Commonwealth of Pennsylvania.

REPORT

OF THE

PENNSYLVANIA STATE RAILROAD COMMISSION

FOR THE

YEAR ENDING DECEMBER 31st, 1911

HARRISBURG:
C. E. AUGHINBAUGH, PRINTER TO THE STATE OF PENNSYLVANIA
1911

PENNSYLVANIA STATE RAILROAD COMMISSION.

NATHANIEL EWING, Chairman.
CHARLES N. MANN, Commissioner.
MILTON J. BRECHT, Commissioner.
ARCHIBALD B. MILLAR, Secretary.
WILLIAM H. ALLEN, Attorney.
JOHN P. DOHONEY, Marshal.

Harrisburg, Pa., January 8th, 1912.

To His Excellency,

The Governor of the Commonwealth of Pennsylvania:

Sir: The Pennsylvania State Railroad Commission begs to submit this report for the calendar year, 1911, and in doing so will refer only to such matters as seem to possess particular interest in connection with its work during the past year, and which the Commission deems worthy of especial consideration, and the whole in as brief a manner as the subject will permit of.

Telephones.

The subject of telephone rates and service has been conspicuously prominent among the new complaints, and the Commission has given much attention to it, not only because of the number of the complaints, but also because of the fact that the telephone has come into such general use that it has practically become a common necessity of everyday life; and the Commission, therefore, feels the importance of securing for the public the best possible service at a cost consistent with the character of the service demanded, and equitable to all concerned.

The subject is one presenting unusual difficulties, since it differs in almost every essential element from the characteristics presented by the question of rates of every other carrier, as, for example, the cost of the service increasing to the subscriber as the number of subscribers on a given exchange increases, making the rates in a large community higher than those in a small one presenting the same physical difficulties to be overcome: also the question of distance and contour of the country through which toll lines are constructed and operated; and the difference in the quality of service demanded in the different communities and localities. These are some of the elements met with which tend to render the attempt at equalization of rates by any rule generally applicable throughout the State apparently impracticable.

After much consideration the only practicable way which the Commission could see of determining the reasonableness of local rates was on the unit or local exchange basis, and thus taking up each case as it arose and making an analysis of the conditions of the service within the limits of the particular exchange or locality in which the complaint originated. This plan has been productive of apparently satisfactory results, as is evidenced by the expressions of appreciation received from the complainants, as well as by the increased number of complaints from other localities.

Convincing proof of the efficacy of this method of approaching this subject is the changed policy of the telephone companies, conspicuously the Bell Telephone Company of Pennsylvania and the American Telephone and Telegraph Company, which do the larger part of the telephone business within the Commonwealth, whose rates and tolls have, during the past year, undergone an entire revision and alteration, with the purpose in view of effecting uniformity in rates and tolls upon a fixed basis of operating cost for each exchange or district grouping or classifying the exchanges or districts according to similarity of construction, operating conditions and quality of service demanded. The difficulty of effecting this is apparent for the reason that it is hard to determine the exact cost of plant and maintenance of any given exchange or district as a unit, unconnected and unassociated with every other unit; each being so essentially a part of the whole, and each presenting its own particular characteristics. It is necessary in the attempt to regulate these rates to make haste slowly, so that an accurate and equitable basis of rates may be arrived at, which can only be accomplished, it may be, after repeated efforts.

The attempt at equalization which has been made by these companies is a commendable effort in the right direction and, if persisted in, will eventually result in the object sought being attained. The Commission is, therefore, of the opinion that the fixing of telephone rates and tolls by legislative enactment is not, at present, at least, feasible, owing to the peculiar conditions presented by that business; and because such rates can best be adjusted to the equities of the situation by careful study of the conditions presented in each locality.

The Commission is pleased to acknowledge the prompt compliance of all the telephone companies with every recommendation and suggestion made by it, and in this state of things looked forward to the realization of a service and rates which will be alike satisfactory to the public and justly remunerative to the company.

Two unusual cases of discrimination upon this subject passed upon by this Commission were filed by the Johnstown Telephone Company and the Petroleum Telephone Company against the Bell Telephone Company of Pennsylvania alleging discrimination by granting a period of free service to new subscribers. The recommendation of the Commission will be found under Appendix A.

Novel Questions. A case presenting a question of special interest to shippers and private car owners is that of Thomas Carlin & Sons Company where the railroad company charged demurrage upon their private car standing upon their own track in their works, in which the Commission, upon an ex parte presentation of the pecu-

liar facts and circumstances of the case advised the inquirers that it did not think the demurrage charge in this instance correct. See Case No. 562.

During the month of July, 1911, complaints were received from J. F. Ziegenfuss and other milk dealers in the city of Philadelphia, stating that, owing to refusal of the Philadelphia and Reading Railway Company to install refrigerator cars for the shipment of milk, they had been subjected to serious loss, as the milk, while shipped at a proper temperature, was delivered in the city of Philadelphia at a temperature above that which the health authorities of that city required.

A hearing was held at which the complainants and respondent were represented. An adjournment was finally taken so as to furnish all the shippers of milk, namely, the producers along the line of the respondent company, who were interested parties, an opportunity to be heard. Subsequent to the call for another hearing, and prior to its being held, a communication was received from the respondent stating that commencing with the heated term of the summer of 1912 refrigerator cars would be placed in service for the transportation of milk.

Last fall complaints were received from various points near Philadelphia alleging that the Pennsylvania Railroad and the Philadelphia and Reading Railway Companies had increased their suburban fares to an almost prohibitory rate. A hearing was held in Philadelphia, but at the request of counsel for the complainants, who stated that they were not ready to proceed, the hearing was adjourned and continued to January 22nd, 1912.

Philadelphia Street Railways.

Last spring the report of the Commission's experts, Messrs. Ford, Bacon and Davis, of New York, in the case of the complaint of the Evening Telegraph of Philadelphia with respect to the street railway situation in that city, was received and published, and extensive changes have since been undertaken by the Transit Company along the lines suggested in said report, which, it is confidently hoped, will result in a greatly improved service.

The complainant has advised the Commission that "we are impressed with both the findings and thoroughness of the investigation, and consider the matter satisfactorily closed insofar as we are concerned."

The Company reports that five hundred cars of a new type, an improvement on those which have been installed on the 12th and 16th Street line, have been ordered and will be placed in service as soon as completed, which cars should and, no doubt, will contribute greatly to the comfort, health and convenience of the travelling public.

The Transit Company has increased its organization and also secured the services of a recognized export in street railway management, has enlarged its power plant, and has undertaken comprehensive plans for improvement along all lines, which should result, in the alleviation of the troubles and discomfort incident to street railway travel in congested districts. With these facilities it will be enabled, through an intelligent re-routing and increase of its cars so as to afford a much greater percentage of cars in the congested districts during the rush hours, to relieve much of the congestion now complained of.

The suggestions for the improvement of this service, a summary of which will be found in Appendix H, are very comprehensive and detailed, and it will require time, money, and great patience and energy to carry them into effect. Some of the improvements undertaken are nearing completion while others are only begun, so that it is impossible at this time to indicate with accuracy the result of the Company's efforts. So far, however, as the proposed increase in the number of cars and improvement in the same are concerned, if the advices of various complainants and others which have been received by the Commission are to be accepted as a correct indication of the general sentiment, they are most satisfactory.

Accidents.

The schedules of accidents, found in Appendices *B, C, D. E and F,* of this report, indicate no substantial variation in the number of persons annually killed and injured at grade crossings and by trespassing upon the railroad tracks, there having been six hundred and forty-one trespassers and eighty persons at grade crossings killed and five hundred and eighty-five trespassers and one hundred and eighty-six persons at grade crossings injured, during the past year.

These two causes of accidents have always been regarded by this Commission as among those most necessary of attention, and, if possible, of elimination. For that reason the proposed act, making trespassing a misdemeanor, punishable by a small fine or imprisonment, and the arrest of any person so trespassing mandatory upon the peace officers of the Commonwealth, was recommended by the Commission in its first annual report. Experience has shown that police and other officers will not arrest such trespassers unless they are required to do so, nor are justices and magistrates, as a rule, inclined to enforce the present law.

The elimination of grade crossings, with their attendant evils, ranking next to trespassing, as they do, in the number of lives lost, should have the early attention of the Legislature.

An act passed by the last Legislature relating to the location, construction and maintenance of viaducts and bridges in townships of the first class, and adjacent territory, approved June 15th, 1911, sup-

plementing and extending the law theretofore in force as to the rights of certain municipalities in this direction, may render possible the elimination of grade crossings in certain instances.

Under the head of "Investigated Accidents" will be found reports of a representative of the Commission of accidents, which, in the judgment of the Commission, justified special consideration. In two specific cases fatalities occurred to patrons on the line of the Philadelphia Rapid Transit Company because of the assignment of comparatively inexperienced motormen to routes characterized by sharp curves and heavy grades. The attention of the proper officials being called to this matter with a recommendation that experienced employees be assigned to these runs, the importance of the Commission's view was readily understood and the recommendation promptly carried into effect.

The promptness with which the common carriers have complied with the recommendations of this Commission lacking, as it does, any power of direct enforcement of its recommendations, but relying rather upon the great force of public opinion which is elicited by making public the subject matter of the complaints brought before it, by holding its meetings open to the public, and by the publication of its recommendations, and also upon an appreciation of right and justice on the part of the carriers, would seem to indicate a genuine public interest in the work of the Commission and a disposition on the part of the common carriers of the State to co-operate in improving the conditions of public service to meet the demands of a just public sentiment.

An act aiming at the protection of travelers and employees from accident was approved June 19th, 1911 and is popularly known as the "Full Crew" Act. This law provides that a crew of six or more persons shall be maintained on all freight trains consisting of more than thirty cars, being one extra brakeman; and a crew of not less than five passengers on passenger trains of not more than three passenger coaches and one baggage car, and a crew of not less than six men on trains consisting of four or more passenger coaches and one baggage car, being one brakeman in addition to the flagman.

No action has been taken by this Commission for the enforcement of this act because its constitutionality has been assailed by many of the railroads affected by it in proceedings instituted against the Commission to restrain it from enforcing its provisions, which cases have not yet been determined by the Court. If the act is upheld by the Court it will then be the duty of this Commission to enforce its provisions. The Commission understands, however, that pending such decisions the railroad companies are generally complying with the act.

Boiler Inspection.

The abrogation by this Commission of the rules and regulations governing inspection of locomotive boilers, adopted jointly by the Commissions of New York, Ohio and Pennsylvania, and the acceptance in lieu thereof of the rules of the Interstate Commerce Commission, and duplicates of the reports made to it, was directed because the Federal rules and regulations are almost identical with the former, and, therefore, it seemed to be an unnecessary duplication of work to require the railroad companies of this State to report to this Commission on different forms.

Reference is hereby made to what was said in our last annual report under the head of "Recommendations" particularly with a view of emphasizing the desirability of so amending the Act as to place the burden of proof upon the carrier in case of a failure to comply with a recommendation made by the Commission.

The experience of the Commission with complaints against the charges of express companies suggests that the principle applied to railroads and canal companies by the constitutional and statutory prohibitions, of a greater charge for a short than for a longer haul of like commodities in the same direction over the same lines, should also be made applicable to express charges. Why the same regulation is not just and fair in the latter case, if it is in the former, is not apparent. And a like restriction in telephone rates might also be advisable.

The railway maps of the State, referred to in the Commission's last report, are nearing completion and will, doubtless, be in the hands of the Commission before this report is printed. Much delay resulted from the voluminous correspondence necessary with the map makers relative to minor points and details of the maps. It is hoped, and confidently expected, that these maps, showing all the railroads and street railways of the State, will meet the expectations of the Commission and the public.

A statement in detail of the traveling expenses and disbursements of the Commission, its officers, clerks and experts, is submitted in Appendix *G*.

The Act creating the Commission is printed in Apppendix *I*, and the Rules of Practice adopted by the Commission to govern procedure before it will be found in Appendix *J*.

Respectfully submitted,

NATHANIEL EWING,
Chairman.

CHAS. N. NANN,

MILTON J. BRECHT.

APPENDIX "A."

Table of complaints filed during the year ending December 31st, 1911.

Report of complaints adjudicated during 1911, including complaints unfinished December 31st, 1910.

TABLE OF CASES.

FILED 1911.

543. J. T. Sayles, et al, vs. Susquehanna & New York Railroad Company, Northern Central Railway Co.	Abandonment of passenger and freight station at Bodine, Pa.
544. E. P. Dorfer, vs. Lake Shore & Michigan Southern Railway Company.	Overcharge in passenger fare between Pittsburgh, Pa., and Buffalo, N. Y.
545. J. A. Shott, vs. Sharpsville Railroad Company.	Failure to refund overcharge collected when passenger pays fare on train.
546. Jacobson Brothers vs. Wells-Fargo & Company Express.	Alleged discrimination in shipments of liquor.
547. A. C. Duncan vs. Wells-Fargo & Company Express.	Alleged overcharge on shipment of express matter.
548. George C. Meyer vs. Bellefonte Central Railroad Company.	Discrimination in matter of demurrage.
549. Residents of Elmwood vs. Southwestern Street Railway Company.	Inadequate transportation accommodations.
550. Residents of Pottsgrove vs. Philadelphia & Reading Railway Company.	Inefficient train service on Catawissa Branch.
551. Chas. A. Adams vs. Philadelphia & Reading Railway Company.	Closing of station at certain hours to the inconvenience of the public.
552. Residents of Austin vs. Potato Creek Railroad Company.	In re passenger and freight service.
553. James M. VanSant vs. The Philadelphia & Reading Railway Company.	In re regulations governing the loading of milk.

554. James F. Scott and John McCune vs. The Baltimore & Ohio Railroad Company.	Petition to replace two grade crossings in Somerset county.
555. Coatesville Boiler Works vs. The Pennsylvania Railroad Company.	Alleged excessive rate for movement of cars between plant of complainant and the Coatesville Foundry & Machine Company.
556. Willis Geist Newbold vs. The Central Penn'a Traction Company.	In re schedule and inadequate equipment on the Reservoir Park line.
557. The Wilkoff Brothers Company vs. Pittsburgh, Cincinnati, Chicago & St. Louis Railways Company.	Overcharge on shipment of two cars of cinder from Washington to Mt. Dallas, Pa.
558. W. S. Manley, et al, vs. Central Pennsylvania Traction Company.	Rate of fare, Rockville to Harrisburg, Pa.
559. John J. Kenney vs. Central Railroad Company of New Jersey, Delaware & Hudson Company.	Inadequate train service.
560. George B. Bell vs. The Philadelphia Rapid Transit Company.	Service on cars running northward on 63rd Street.
561. Chas. L. Hood vs. Pittsburgh & Lake Erie Railroad Company.	Rates on market trains.
562. Thos. Carlin Son Company vs. The Baltimore & Ohio Railroad Company.	Demurrage charges on private car placed on private siding.
563. T. W. Sharp vs. Lehigh Valley Transit Company.	Rate of fare from lane below Fort Washington to the works near Ambler.
564. The Fox Silica Sand & Stone Company vs. The Pennsylvania Railroad Company.	Alleged excessive rate on sand from Daguscahonda to Kane, Pa.
565. Department of Charities, Pittsburgh vs. The Penn'a Railroad Co., The Baltimore & Ohio R. R. Co.	Charity Rates.

566. T. A. Y. Hodgson vs. Central Railroad Company of New Jersey.	Closing of Hazard Station.
567. Borough of Butler vs. Baltimore & Ohio R. R. Co., Bessemer & Lake Erie R. R. Co., Butler Passenger Rwy. Co.	Petition for betterment of street car service and elimination of grade crossings.
568. New York Central & St. Louis Railroad Company vs. Claim of The Walker Sand Co.	Refund on shipment of moulding sand, Fairview, Pa., to Erie, Pa.
569. S. A. Fishburn vs. The Philadelphia & Reading Railway Company.	Refund of $1.00 demurrage charges.
570. H. Freund & Company vs. Adams Express Company.	Alleged overcharge for shippment of package from Philadelphia to Tarentum.
571. Frank Mettfett & Brother vs. The Pennsylvania Railroad Company.	Excessive icing charges.
572. Northeast Independent Telephone Company vs. Telephone Companies.	Refusal to send or receive messages on account of fear of disconnection by the American Union Long Distance Company.
573. The Patton Company vs. The Pennsylvania Railroad Company.	Refusal to refund overcharge on carload of lumber.
574. G. Elmer Deitrick vs. Lehigh Valley Railroad Co.	Alleged inadequate passenger train accommodation between Sayre and Tunkhannock.
575. F. S. Denison vs. Schuylkill Valley Traction Company.	In re service and equipment.
576. Edward U. Smith vs. Pittsburgh & Charleroi Street Railway Company.	Alleged excessive fare.
577. Indiana Foundry Company, Ltd., vs. The Pennsylvania Railroad Company.	Alleged excessive rate on scrap iron from Vintondale to Indiana.

578. Pennsylvania Fire Brick Co. vs. New York Central & Hudson River Railroad Company.	In re classification of steel castings shipped from Clearfield to Beech Creek.
579. W. H. Druckmiller vs. Western Maryland Railroad Company.	In re rate of fare, Chambersburg to Hanover, Pa.
580. George M. Trimble vs. Adams Express Company.	In re express charges.
581. F. W. Tunnel & Company vs. The Pennsylvania Railroad Company.	Rates on fertilizers from Philadelphia to points in Tioga county.
582. J. K. Mosser & Company vs. Lehigh Valley Railroad Co.	In re freight rate.
583. Lewis F. Castor vs. Pennsylvania Railroad Co.	Freight rates on shipments of a carriage from Trenton, N. J., to Frankford, Pa.
584. Horace L. Jacobs vs. City Passenger Railway Company of Altoona.	Refusal of conductor to accept tickets for fare-transfer privileges.
585. H. U. Clayton, and W. E. Hexamer vs. Philadelphia Rapid Transit Company.	In re unheated cars.
586. Samuel Calvin Smith vs. The Pennsylvania R. R. Co.	Retrenchment policy inaugurated causing delay to passenger train service.
587. Stromberg Carlton Telephone Manufacturing Company vs. Bell Telephone Company.	Refusal to connect with private exchange unless customer accepts the Western Electric Company's type of switchboard equipment.
588. O. C. Mutschler vs. Pennsylvania Railroad Co.	Stop-over privileges on excursion ticket.
589. P. L. Row vs. Pennsylvania Railroad Co.	Refund of amount paid into Relief Fund.
590. George W. Williams vs. New York Central & Hudson River Railroad Company.	Station accommodations at Stokesdale Junction.

591. Citizens of Hazards, Carbon Co., Penn'a., vs. Central Railroad Company of New Jersey.	Withdrawal of train service at Hazards.
592. H. J. Frye vs. Huntingdon & Broad Top R. R. Co.	Lack of shipping facilities at sidings at Cipher and Hopewell.
593. W. C. Drake vs. Altoona & Logan Valley Electric Railway Company.	Refusal to accept transfer.
594. John Heathcote vs. Adams Express Company.	Delivery limits in City of Harrisburg.
595. L. M. Mace vs. Philadelphia & Reading Railway Company.	Regulations regarding service in buffet cars.
596. W. C. Laderer's Carriage Factory vs.	Weight of carload of goods.
597. John F. Beighley vs. The Pennsylvania R. R. Co.	Inadequate passenger and freight facilities at Ardara, Westmoreland county, Pa.
598. George Johnson, and Frank W. Ridgley vs. Bell Telephone Company.	Refusal to renew contract for telephone service except at increased rate.
599. Baltimore & Ohio R. R. Co. vs. Claim of G. G. Stitzinger & Co., New Castle, Pa.	Reparation on lumber to Alicia Mines Lock No. 5, Pa.
600. Baltimore & Ohio R. R. Co. vs. Claim of American Sheet & Tin Plate Company.	Refund on rate on 48 cars sheet bars—Bessemer to Connellsville.
601. A. S. Brinser vs. The Pennsylvania Railroad Company.	Danger to passengers at Bainbridge Station, due to speed of trains passing that point.
602. P. H. Morris vs. Philadelphia & Reading Railway Company.	Discrimination in 5 and 10c package delivery system.
603. Wm. H. Stonebraker vs. The Pullman Company.	Seat rate on sleeping car—Johnstown to Altoona.

604. Walker Electric Company vs. Baltimore & Ohio Railroad Company.	Classification of shipment.
605. John Hohenadel, C. L. Dykes and J. W. Flanagan vs. The Philadelphia & Reading Railway Company.	Location of East Falls Station.
606. Harry J. Shoemaker vs. Bucks County Electric Rwy. Co., New Jersey & Penn'a Traction Co.	Connections at Newtown.
607. David Baughman vs. The Pennsylvania Railroad Company.	Dangerous approaches to station at Irwin, Westmoreland county, Penn'a.
608. W. Williams vs. Delaware & Hudson Company.	Burning over farm lands by sparks thrown from locomotives.
609. The Berkebile Lumber Co., vs. The Baltimore & Ohio Railroad Company.	Rate on sand——Somerset to Acosta.
610. Ridge View Sand Company vs. The Penn'a Railroad Co.	Rate on sand—Walnut Bend to Pittsburgh.
611. Mesta Machine Company vs. The Penn'a Railroad Co.	Classification of shipment of billets—Pittsburgh to Homestead, Penn'a.
612. Chas. J. Glunz vs. Eastern Penn'a Railways Co.	Rate of fare within the borough limits of Pottsville, Pa.
613. Residents along the Right-of-way of the South Penn'a Railroad Company vs. South Penn'a Railway Co.	Abandonment of construction operations.
614. W. K. Myers vs. Philadelphia & Reading Railway Company.	Petition for change in location of Hunters Run Station.
615. Allentown Portland Cement Company vs. Delaware, Lackawanna & Western Railroad Co., Philadelphia & Reading Railway Co.	Refusal to make joint rate of $1.25 per ton on cement—Evansville to Scranton.

616. Phoenix Iron Works vs. Erie Railroad Company.	Alleged overcharge on freight rate on coke—Clare, Penn'a, to Meadville, Penn'a.
617. Sulzberger & Sons Co., vs. Philadelphia & Reading Rwy. Co.	Overcharge on shipment of horse-radish—Philadelphia to Hazleton, Penn'a.
618. John A. Magee & Son vs. Penn'a Southern Railroad Co.	Excessive rates.
619. Wilmer M. Webb vs. The Penn'a Railroad Co.	Checking of bicycle.
620. Borough of Cheswick vs. Allegheny Valley Street Railway Company.	Rates of fare.
621. I. Kahanowitz vs. Central District & Printing Telegraph Company.	Alleged discrimination in rates charged for yearly telephone service.
622. J. W. Park vs. Adams Express Co.	Refusal of Express Company to accept shipment of eggs except only at owner's risk of damage.
623. Mrs. Elizabeth J. Kesler vs. Lehigh Valley Transit Co.	Abandonment of trolley stop at Hohe.
624. Borough of Midway vs. Pittsburgh, Cincinnati, Chicago & St. Louis Rwy. Co.	Dangerous condition of overhead crossing.
625. New Wilmington Telephone Co. vs. American Union Telephone Co.	Refusal to permit connections with North East Independent Telephone Company.
626. R. C. Reynolds vs. Lehigh & New England R. R. Co.	Abandonment of passenger service on the Saylorsburg branch.
627. Residents of Sherwood & Angora vs. The Pennsylvania Railroad Co.	Inadequate schedule and excessive fare from Angora Station to Broad Street.
628. Romberger & Cook vs. The Pennsylvania Railroad Co.	Delay in making delivery of shipment of horses.
629. Ohio Iron & Metal Co., vs. Pittsburgh, Chartiers & Youghiogheny Railroad Co.	Switching charge.

630. Williamsport & North Branch Railroad Company
vs.
Claim of A. C. Little & Son.
— Application to make refund on shipment of lumber.

631. William H. Sailor
vs.
Philadelphia Rapid Transit Company.
— Passengers riding on front platform of street cars.

632. Logan Valley Grange
vs.
Altoona & Logan Valley Electric Railway Company.
— Rate of fare—Bellwood to Altoona.

633. George W. Mutschler
vs.
Philadelphia & Reading Railway Company.
— Burning over farm lands by sparks thrown from locomotive.

634. Charles E. Simmington
vs.
Philadelphia Rapid Transit Company.
— Redemption of exchange tickets.

635. Samuel C. Weeks
vs.
Johnstown Telephone Company.
— Discrimination in charges for telephone service between different wards in City of Johnstown.

636. G. Louis McFetridge
vs.
Allegheny Valley Street Railway Company.
— Alleged too brilliant headlights.

637. B. V. Taylor
vs.
The Baltimore & Ohio Railroad Company.
— Switching charge.

638. Borough of Ridley Park
vs.
Baltimore & Ohio Railroad Company.
— Dangerous conditions of grade crossings.

639. Ditz & Mooney Hardware Company
vs.
Pennsylvania Southern Railroad Company.
— Excessive rates on merchandise—Summerville to Clarion.

640. S. M. O. Kinney
vs.
Johnstown Telephone Company.
— Discriminatory rate for residence service.

641. Fred C. Yingst
vs.
United States Express Company.
— Loss occasioned by delay in making delivery of shipment.

642. John S. Biesecker vs. Stroudsburg & Bushkill Telephone Company.	Refusal of respondent to extend its lines to furnish service to complainant.
643. Fred Smith vs. The Pennsylvania Railroad Company.	Loss of shipment of household goods.
644. Lewis A. Haspel vs. Philadelphia & Reading Railway Company.	Exaction of extra fare on return ticket from Huntingdon Street to Green Lane.
645. Joseph Joseph & Brothers' Company vs. The Pennsylvania Railroad Company.	Demurrage charges.
646. Guy F. Roush, et al, vs. The Pennsylvania Railroad Company.	Inadequate passenger and freight station facilities.
647. William Barnett & Sons vs. The Pennsylvania Railroad Company.	Train Service on Chester Creek Railroad.
648. Mothers' Club of Reading, Pa., vs. Reading Transit Company.	Petition to restrain respondent from placing placards or other obstructions on fenders of trolley cars.
649. Webster M. Prowell vs. Valley Traction Company.	Excessive charges for shipment of two pigs--Carlisle to New Cumberland.
650. John P. Sullivan vs. Bessemer & Lake Erie Railroad Company.	Exorbitant excess fare upon payment of cash fare on train—Erie to Grove City.
651. C. M. Engel vs. Carbon Transit Company.	Excessive fare—Mauch Chunk to Flag Staff.
652. Ralph A. Guth vs. Allentown & Reading Traction Company.	Excessive fare—Allentown to Wescoesville.
653. Joseph Joseph & Brothers' Company vs. Pittsburgh & Lake Erie Railroad Company.	Demurrage charges on two cars scrap iron on Baltimore & Ohio tracks at Bessemer.
654. Northwestern Pennsylvania Railroad Company.	Petition to issue certificate to authorize the sale of bonds as required under the laws of the State of Maine.

655. George B. Moore vs. Baltimore & Ohio Railroad Company.	Freight and passenger facilities at Rockwood, Pa.
656. M. A. Detweiler vs. East Broad Top Railroad & Coal Company.	Excessive rate on shipment of run-about bed—Mt. Union to Three Springs.
657. John H. Jackson vs. Slate Belt Electric Street Railway Company.	Unsafe and inadequate operating conditions.
658. Automobile Club of Delaware county vs. Baltimore & Ohio Railroad Company.	Dangerous and unprotected grade crossing at Felton, Pa.
659. F. W. Hughey vs. Pitsburgh Railways Company.	Unsafe and inconvenient terminus of the Crafton & Thornburg line at Thornburg.
660. Richard Heckscher & Sons vs. The Pennsylvania Railroad Company.	Demurrage due to bunching of cars in transit.
661. Corry Hide & Fur Company vs. Erie Railroad Company.	Overcharge on shipment of hides—Avella to Corry, Pa.
662. C. C. Tressler vs. The Pennsylvania Railroad Company. Philadelphia & Reading Railway Company.	Excessive rate and switching charge on coal—Hunters Station to Sunbury.
663. Wilkoff Brothers Company vs. Pittsburgh & Lake Erie Railroad Company.	Failure to move shipment because of embargo on consignee.
664. Berkebile Lumber Company vs. Baltimore & Ohio Railroad Company.	Switching charge from Pittsburgh, Westmoreland & Somerset Railroad at Somerset, Pa.
665. A. B. Heller, et al, vs. Philadelphia & Reading Railway Company.	Routing of shipments—Hamburg, Pa., to Lansford, Pa.
666. Walter T. Bradley Company vs. Philadelphia & Reading Railway Company.	Demurrage charges.

667. Business Men's Association of Milton, Pa., vs. Lewisburg, Milton & Watsontown Passenger Railway Company.	Rate of fare.
668. Feature Amusement Enterprise Company vs. Telegraph Companies.	Alleged overcharge due to failure to deliver telegram.
669. William H. Mazurie vs. Pittsburgh Railways Company.	Rate of fare—McKeesport to Pittsburgh, Pa.
670. Citizens of Fishing Creek Valley vs. Philadelphia & Reading Railway Company. The Pennsylvania Railroad Company.	Alleged dangerous grade crossing where Fishing Creek Valley public road crosses tracks of said company.
671. High Street Produce Company vs. Northern Central Railway Company.	Alleged failure to properly ventilate cars containing shipments of eggs.
672. Allentown Portland Cement Company vs. Philadelphia & Reading Railway Company.	Freight rate on cement from Evansville to Philadelphia, Pa.
673. M. A. Gillespie vs. Central District & Printing Telegraph Company.	Alleged excessive and discriminatory rate for telephone service.
674. Howard E. Heckler vs. Philadelphia & Reading Railway Company.	Refusal of Railroad Company to sell return ticket from Lansdale to Scranton, Pa.
675. H. J. Schaad vs. Lehigh Valley Railroad Company.	Inadequate and inefficient passenger train service on Bowman's Creek Branch between Wilkes-Barre and Bernice.
676. Matthew Smith and Leonard Johnson vs. Philadelphia & Reading Railway Company.	Discontinuance of passenger train leaving Ivyland at 5.43 A. M., running to Philadelphia.
677. Christian F. Quade, et al. vs. Columbia & Port Deposit Railroad Company.	Location of station at McCalls Ferry.

678. J. C. McMiller vs. Buffalo & Lake Erie Traction Company.	Carrying of passengers on front platforms of trolley cars.
679. Borough of Manheim vs. Philadelphia & Reading Railway Company.	Blocking of crossing in Manheim Borough.
680. Henry Hileman vs. Pittsburgh, Harmony, Butler & New Castle Railway Company.	Rate on crushed limestone between Harmony Junction and Warrendale.
681. James S. Stimaul vs. The Pennsylvania Railroad Company.	Overcrowded condition of train between Pittsburgh and Baltimore.
682. Maskell Ewing vs. Philadelphia & Reading Railroad Company.	Alleged excessive fare charged between Eaglesmere and Philadelphia.
683. James J. Geisinger vs. Lehigh Valley Transit Company.	Alleged unreasonable distribution of fare zones.
684. J. F. Ziegenfuss vs. Philadelphia & Reading Railway Company.	Lack of refrigerator service on trains carrying milk into Philadelphia.
685. J. W. Tower vs. Bessemer & Lake Erie Railroad Company.	Alleged excessive fare charged between Greenville and Erie, Pa.
686. J. E. Dixon vs. Pittsburgh Railways Company.	Crowded cars.
687. Citizens of Olney vs. Philadelphia & Reading Railway Company.	Increase in passenger fares.
688. A. J. Nordstrom vs. Adams Express Company.	Express charges.
689. McIlvaine Brothers vs. Philadelphia & Reading Railroad Company.	Petition for siding facilities on spur track.

690. Howard R. Moyer vs. United States Express Company.	Alleged excessive charge on tub of ice cream from South Bethlehem to Quakertown.
691. L. L. Detweiler vs. Adams Express Company.	Overcharge in rate on beer.
692. Milton Fair and Northumberland County Agricultural Association vs. Philadelphia & Reading Railway Company.	Excursion rates to fairs.
693. Wolfe & Shultz vs. Philadelphia & Reading Railway Company.	Switching charge at Lewisburg, Pa.
694. W. I. Motter vs. Northern Central Railroad Company.	Rate on ice cream.
695. F. McGinness vs. Pullman Company.	Re-selling of reserved section.
696. Morris Baker vs. The Pennsylvania Railroad Company.	Passenger fares—West Philadelphia to suburban points.
697. William H. Holt vs. Philadelphia & Reading Railway Company.	Passenger fare—Washington Lane Station to Philadelphia.
698. S. L. Evans vs. Philadelphia & Reading Railway Company.	Refund of cash fare upon subsequent presentation of monthly ticket.
699. M. Dyer vs. Philadelphia & Reading Railway Company.	Rate on carbide—Harrisburg to Winfield.
700. Paine & Company, Ltd. vs. Wilkes-Barre, Dallas & Harveys Lake Railway Company.	Rate on dust oil—Wilkes-Barre to Harveys Lake.
701. L. H. Heist vs. The Pennsylvania Railroad Company.	Overcharge on excess fare—Philadelphia to Pittsburgh.

702. Board of Trade of Dixonville vs. Cherry Tree & Dixonville Railroad Company.	Station facilities.
703. Residents of Crosby vs. The Pennsylvania Railroad Company.	Station facilities.
704. W. E. Gardner vs. Cumberland Valley Railroad Company.	Refund on unused portion of monthly ticket.
705. L. A. Skinner, et al. vs. The Pennsylvania Railroad Company.	Station facilities.
706. U. J. Sheets, et al. vs. Central District & Printing Telegraph Company.	Rate for business telephone in Jeannette.
707. James H. Loh vs. Cumberland Valley Railroad Company.	Lack of drinking water on trains.
708. Frank W. Stanton & Company vs. The Pennsylvania Railroad Company.	Overcharge on shipment of apples and peaches—Ledy Station to Philadelphia.
709. Citizens of Genesee vs. Buffalo & Susquehanna Railroad Company, New York & Pennsylvania Railway Company.	New Station at Genesee.
710. Thomas Kirk vs. The Pennsylvania Railroad Company.	Fare charged persons accompanying corpse.
711. I. H. Stanwood vs. Lehigh Valley Railroad Company.	Alleged extra fare—South Bethlehem to Sayre, Pa.
712. Corry Hide and Fur Company vs. American Union Telephone Company.	In re messenger service and charges.
713. W. C. O'Neill vs. Philadelphia & Reading Railway Company.	In re suburban rates.

714. Residents of Germantown vs. Philadelphia & Reading Railway Company.	In re suburban rates.
715. Elizabethtown Business Men's Protective Association vs. Adams Express Company.	Lack of delivery service.
716. Crawford Mutual Telephone Compan.y vs. Bell Telephone Company.	Alleged failure to comply with Commission's recommendation relative to free trial service.
717. Joseph A. Kephart vs. East Broad Top Railroad & Coal Company.	Discrimination in passanger fare.
718. Charles Richards vs. Reading Transit Company.	Insufficient clearance between cars.
719. Lancaster Electric Light, Heat and Power Company. vs. Bell Telephone Company.	Excessive rate for direct line service from electric light plants of complainant into Lancaster, Pa.
720. John G. Kaufman vs. Philadelphia & Reading Railway Company.	Refusal of Railroad Company to sell half-price commutation ticket.
721. Kittanning Telephone Company vs. Pittsburgh & Allegheny Street Railway Company.	Improper operating conditions.
722. Billings & Kelder vs. Lehigh Valley Railroad Company.	Rate on hay—New Albany to East Stroudsburg, Pa.
723. Lebanon County Retail Coal Dealers' Association vs. Philadelphia & Reading Railway Company.	Rates on coal to Lebanon.
724. Herman C. H. Weidner vs. Pittsburgh & Butler Street Railway Company.	Fare—Renfrew to Etna, Pa.
725. J. E. Thurston vs. The Pennsylvania Railroad Company.	Freight rate on empty barrels—Wilkes-Barre to Delmatia, Pa.

726. M. M. McLaughlin vs. The Pennsylvania Railroad Company.	Stop-over privileges.
727. John B. Laird vs. The Pennsylvania R. R. Co. Philadelphia & Reading Rwy. Co.	Passenger fares between Frankford and Philadelphia.
728. Ackerman Brothers vs. Dunkirk, Allegheny Valley & Pittsburgh Railroad Company.	Refusal of said Company to accept consignments to Torpedo, Warren county, unless consignee indemnifies them against all loss or damage.
729. Clinton Lytle vs. The Pennsylvania Railroad Company.	Passenger fare—Mifflinburg to Natrona.
730. William T. Knight vs. Philadelphia Rapid Transit Company.	Service on Germantown Division.
731. Charles W. Kirk vs. Philadelphia Rapid Transit Company.	Drafts in cars.
732. J. H. Musser vs. The Pennsylvania Railroad Company.	Overcrowding of train.
733. H. I. Brian & Company vs. The Pennsylvania Railroad Company.	Inadequate siding facilities at Rising Springs Station.
734. Bickford Fire Brick Company vs. New York Central & Hudson River Railroad Company.	Refusal to establish equitable joint rate on fire clay with either the Penn'a R. R. Co., or the Buffalo, Rochester & Pittsburgh R. R. Co.—Faunce to Curwensville.
735. James Van Dyke Card vs. Lehigh Valley Railroad Company.	Blocking of highway by freight train.
736. William N. Reynolds, Jr., Esq. vs. Lehigh Valley Railroad Company.	Non-maintenance of schedule of train 122 between Tunkhannock and Wilkes-Barre.
737. Elizabethville Creamery Company vs. Adams Express Company.	Discrimination in rates against Elizabethville, favoring Lykens, Pa.

738. O. B. Lay vs. Baltimore & Ohio Railroad Company.	Passenger fare—Mt. Jewett to Kane.
739. W. F. Graham vs. Adams Express Company.	Rate on box—Pittsburgh to Rochester.
740. Ohio Iron and Metal Company vs. The Pennsylvania Railroad Company.	Rate on scrap iron—Burnham to Huff.
741. Union Charcoal Company vs. The Pennsylvania Railroad Company.	Weights on shipments—Delay in furnishing bill of lading.
742. First National Bank of Gratz, Pa. vs. Adams Express Company.	Discrimination in rates on gold and silver—Lykens to Philadelphia and Elizabethville to Philadelphia.
743. J. A. Brady vs. Philadelphia & West Chester Traction Company.	Maintenance of track and roadbed.
744. J. M. Boyer, et al. vs. Eastern Pennsylvania Railways Company.	In re service.
745. Wilt Rippey vs. Baltimore & Ohio Railroad Company.	Inadequate and dangerous station facilities at Allison Park, Pa.
746. Philadelphia Record vs. Bangor & Portland Traction Company.	Rate for transportation of newspapers.
747. M. Shires vs. Bell Telephone Company.	Unsatisfactory service on limited contract.
748. W. R. Jones vs. Philadelphia & Easton Electric Railway Company.	Loss of shipment of shoes.
749. J. H. Matternas vs. Adams Express Company.	Discrimination in express rates on poultry and other goods from Millersburg to Philadelphia, as compared with rate from Lykens to Philadelphia.

750. Residents of Catawissa vs. Philadelphia & Reading Railway Company.	Train schedule on Catawissa Division.
751. Charles Fitzsimmons vs. Pittsburgh & Butler Street Railway Company.	Failure to make scheduled stop on signal.
752. Greensburg Business Men's Association vs. Central District & Printing Telegraph Company.	Discrimination in rates for telephone service.
753. Ramsey Coal Company vs. Ligonier Valley Railroad Company.	Refusal to permit switch connection.
754. Enoch H. Hartline vs. Reading Transit Company.	Excessive rate of fare.
755. Edward Bains vs. The Pennsylvania Railroad Company.	Refusal to accept ticket from North Philadelphia to Carpenter for passage from Carpenter to North Philadelphia.
756. John O'Connell vs. Pittsburgh Railways Company.	Rate of fare—Pittsburgh to Neville Island.
757. Henry A. Hitner's Sons Company. vs. The Pennsylvania Railroad Co. Philadelphia & Reading Rwy. Co.	Rates on scrap iron.
758. Richey & Griswold vs. The Pennsylvania Railroad Co. Philadelphia & Reading Rwy. Co.	Overcharge on rates on mine rails—Waltz Siding to Juniata.
759. R. J. Totten vs. Central District & Printing Telegraph Company.	Discrimiatory methods of soliciting business at Volant, Pa.
760. Residents of Coatesville vs. West Chester Street Railway Company.	Inadequate service.
761. Luria Brothers Company vs. Philadelphia & Reading Railway Company.	Demurrage charges.

762. John C. Myers vs. Ligonier Valley Railroad Company.	Discrimitory rate on coal—Wilpen to Ligonier.
763. Layton Fire Clay Company vs. Baltimore & Ohio Railroad Company.	Rate on brick—Layton to South Side.
764. Freedom Oil Works vs. Erie Railroad Company.	Failure to make proper delivery of oil—Monaca, Pa., to Perryopolis, Pa.
765. M. T. Philips, et al. vs. The Pennsylvania Railroad Company.	Charge for refrigerator service which it is alleged is not furnished during cold weather.
766. M. Yoder Leinbach vs. Lewisberg, Milton & Watsontown Passenger Railway Company.	Inadequate service—Watsontown to Milton.
767. W. F. Dagle vs. Cumberland Railway Company.	Inefficient fender equipment.
768. Frank R. Leib vs. Valley Traction Company.	Overcrowded and poorly ventilated cars.
769. E. O. Sprenkle vs. Northern Central Railway Company.	Rate on grain—Strickler to York.
770. E. B. Kemble vs. The Pennsylvania Railroad Company.	Blockade of approach to passenger station by freight train.
771. Foster F. Brant vs. United States Express Company.	Damage to shipment.
772. J. K. Carr vs. Philadelphia & Reading Railway Company.	Regulation governing use of 50-trip ticket between Frankford and Philadelphia.
773. Holmesburg Improvement Association. vs. The Pennsylvania Railroad Company.	Passenger fare—Holmesburg to Philadelphia.

774. H. R. Burleigh vs. Philadelphia & Reading Railway Company.	Rate of fare.
775. Elizabethville Board of Trade vs. Adams Express Company.	Discrimination in rates—Elizabethville to Philadelphia—as compared with rates —Lykens to Philadelphia.
776. Harry N. Michael vs. The Pennsylvania Railroad Company.	Less carload rate on brick—White Rock to Homestead.
777. Adolph G. Frank vs. Pittsburgh Railways Company.	Unsafe operating conditions on Beechview Division.
778. W. Horace Hoskins vs. Philadelphia Rapid Transit Company.	Transfer privileges.
779. Albert H. Wilhelm vs. Pennsylvania Lines West of Pittsburgh.	Discontinuance of suburban trains running between Ben Avon and Homewood.

REPORT OF CASES CLOSED 1911.

No. 543.

J. T. SAYLES, et al., vs. SUSQUEHANNA AND NEW YORK RAILROAD COMPANY, NORTHERN CENTRAL RAILWAY COMPANY.

The complainants, who were passengers, shippers and receivers of freight over the respondents' lines, alleged that the abandonment of the passenger and freight station which existed at Bodine prior to August 14th, 1910, had materially interfered with their business.

The complainants later advised the Commision of their desire not to further prosecute said complaint but to withdraw same.

No. 544.

E. P. DORFER vs. LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY.

An overcharge was alleged for passenger transportation between Buffalo and Pittsburgh, on the line of respondent's road.

The complainant was advised that as this was an interstate movement the same was without the jurisdiction of the Commission, and the case was dismissed.

No. 545.

J. A. SHOTT vs. SHARPSVILLE RAILROAD COMPANY.

Complaint was made regarding excess fare of 10 cents charged between New Wilmington and Wilmington Junction—the same being in addition to the regular fare of 6 cents.

The respondent was advised that, under Section 19 of the Act of 1849, regarding regulations governing rates of fare, the same was illegal, and requested to discontinue the practice.

The respondent advised the Commission of its intention to accept the recommendation and the case was closed.

No. 546.

JACOBSON BROTHERS vs. WELLS FARGO AND COMPANY EXPRESS.

Complaint was made that the respondent refused to accept for shipment to points within the State consignments of liquor without the contents and quantity of the same being marked on the outside, altho' other express companies had accepted such shipments without said marking.

The respondent advised the Commission that it was their rule and was applied by all their agents without discrimination.

The Commission thereupon advised the complainant that unless proof could be made that the respondent discriminated in the matter of marking shipments of liquor, the case would be considered as closed.

No. 547.

A. C. DUNCAN vs. WELLS FARGO AND COMPANY EXPRESS.

Alleging excessive charges on a package shipped from Ambridge to Hartstown, complaint was made to the Commission.

Respondent denied that the charges were excessive as the shipment had to be carried on the lines of two companies, and was not the charge of a single carrier.

As the complainant failed to prosecute the complaint further, the same was closed.

No. 548.

GEORGE C. MEYER vs. BELLEFONTE CENTRAL RAILROAD COMPANY.

Complaint was made that the respondent Company required the prepayment of freight on coal before the same was unloaded, thereby discriminating against him.

The Commission advised the complainant that common carriers must treat all shippers alike as to rates and charges, but that proper accommodation to patrons does not include the giving of credit for the payment of such charges any more than complainant would give credit to certain customers and not to others. Case was closed.

No. 549.

RESIDENTS OF ELMWOOD vs. SOUTHWESTERN STREET RAILWAY COMPANY.

Petition was filed, making complaint against the service rendered by the Respondent Company.

After hearing, the following opinion and recommendation was made by the Commission:

> "In the investigation of this complaint it developed that the principal reason of the failure to keep the schedule by the responding company, is caused by the impediments encountered along the line, namely: three grade crossings (one in the immediate vicinity of a weigh scales) and the Penrose Ferry Bridge, which is opened so frequently for the accommodation of water traffic. Over these matters the respondent has absolutely no control.
>
> "Apart from these difficulties in the operation of that line, it seems that everything is done that can be expected from the respondent to keep its cars on schedule time, barring exceptional delays which are encountered on all lines, and the Commission is equally powerless to reccomend any measures which would be effective in maintaining the respondent's schedule.
>
> "The complaint about the failure of the respondent to clear its line when severe snow storms have obstructed it, does not demand any serious attention, because such occasions are very rare, and from the evidence before the Commission it seems the respondent was about as alert to open its line for traffic after a snowfall as were other lines in that locality.
>
> "At the hearing it was stated that the complainants would be at least measurably satisfied if the cars on that line were run on a fifteen minute schedule instead of a twenty minute schedule as at present. This could be afforded them by an additional car per hour. It is hardly apparent to the Commission how the delays would be avoided by the addition of another car, but it might occasionally occur that the additional car would be able to get through by reason of arriving at the obstructions mentioned a few minutes earlier than if the present twenty minute schedule were operated, and that seemed to be the belief and dependence of the complainants in the matter. With a view therefore of testing this and ascertaining exactly from experience what improvement, if any, would be afforded, if the cars be run on fifteen minute schedule, and in the hope that the expectation of the complainants that some relief will be thus afforded, will be realized," it is therefore

RECOMMENDED

That the respondent place an additional car in service, and run its cars on a fifteen minute schedule.

No. 551.

CHARLES A. ADAMS, et al., vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made that the passenger station at Ryers, on the line of the respondent's road, was closed at certain hours to the great inconvenience of the traveling public.

The respondent advised the Commission that arrangements had been made for the keeping of the station open, which satisfied the complaint, and the case was closed.

No. 553.

JAMES M. VANSANT vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made relative to the regulations of the responding Company, governing the loading of milk at Langhorne station.

After receiving answer from the respondent and an inspection made by a representative of the Commission, the complainant was advised that in view of the length of time the regulations governing the loading of milk had been in effect on that line and the small number of complaints made against that method, the Commission would not feel justified in recommending that a change be made, lest that would occasion more dissatisfaction than existed under the present arrangement, and particularly so in view of the fact that the rates would have to be increased.

Under the circumstances, therefore, the Commission was not disposed to make any recommendation and the case was dismissed.

No. 554.

JAMES F. SCOTT, et al., vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Applications were made for the restoration of two grade crossings in Somerset County on the line of the Repondent Company's road.

After investigation the Commission rendered the following opinion:

3—28—1911

"The information in the possession of the Commission respecting this application for railroad farm crossings is substantially as follows:

"At the time of the construction of the respondent's road there were two adjoining farms lying on both sides of the line of said road, one of which was owned by the complainant Scott or his ancestors, and the other by some other individual whose name is not known.

"There was no public road running through either of these farms and crossing the railroad on either of the tracts and, consequently, it became the duty of the railroad company under the provisions of the railroad Act of 1849 to construct the said farm crossings or causeways in order to enable the owners to reach their property on both sides of said road. This was done, and these crossings remain in use by the owners of said properties for a period, it is alleged, exceeding twenty-one years, and up until last fall, when they were removed by the respondent company with the statement that it was done only for the winter months when there was practically no use for them and that they would be replaced in the spring.

"The original Scott farm has been recently divided by the sale by Scott of the eastern portion thereof to McCune, and the other tract of land originally owned by another than Scott was at one time after the construction of the railroad acquired by the Scotts and is now held and owned by said Scott. The McCune place retained by him from the other farm so acquired by the Scotts as aforesaid.

"There is no way for either Scott or McCune, who reside to the north of the railroad, to reach the portions of their tracts of land lying to the south of that road except by long and circuitous detours, and even by such detours it does not appear that these portions of their land can be reached without crossing intervening land.

"The Scott tract more recently acquired by him, lies around and about the eastern end of the tunnel on the respondent's line and the crossing heretofore maintained thereon was at the western approach to that tunnel and not far distant from the eastern line of the McCune tract, and, from an inspection of the premises made by the Commission, that appears to be the only place on the tract where a grade crossing is at all practicable.

"The line of the respondent's road, passing through those lands, is on a grade with considerable curvature, and the surface of the country is rough and broken. What is now desired by the complainants is that there be a crossing or causeway constructed for the use primarily of the McCune tract, and incidentally, perhaps, to be used by Scott in connection with his western tract, and another crossing for the use exclusively of what is now the Scott eastern tract. Since the said Act of 1849 provides only for the construction of one causeway to each farm at the time of the construction of the railroad, and the western Scott and McCune tracts were then one farm, it is evident that by division of that tract by its subsequent sale by Scott to McCune, no additional right was acquired by them or either of them for an additional crossing by reason of such division of the original tract; and it is likewise evident that, because of such division of that tract, the right for the one crossing originally pertaining to that tract has not been lost or forfeited. It therefore follows, that, for the western Scott and McCune tracts, considered together, there should be provided such causeway or crossing as is contemplated by the said Act of 1849. And it also appears that the eastern Scott tract, although since acquired and now owned by Scott, but separated from his retaining portion of the original Scott tract by the McCune tract, constitutes a separate farm and is entitled, as such, also to a crossing or causeway for convenient access to the portion thereof lying on the opposite side of the road.

"Under these circumstances and upon these facts it is the judgment of the Commission that the respondent should construct forthwith said causeway or crossing on the eastern Scott tract, and, also, another on the McCune tract, on the western Scott tract; and, since Scott is willing to concede the location of that crossing to the McCune tract, that it be placed upon that tract."

The Commission does not, however, at this time, undertake to designate the location of either of these crossings, nor to prescribe whether they shall be grade or overhead crossings; but advises the parties at interest to get together and thoroughly canvass the matter and agree upon the location and the character of the crossings, and, in the event of their failure so to do, that each party to this proceeding present to this Commission its plan of such crossing, including in such plan both the location and the character of the crossing, with the reasons therefore, whereupon the Commission will undertake to determine the character and location of the crossing.

Case closed.

No. 555.

COATESVILLE BOILER WORKS vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that an excessive rate was charged in the moving of cars between the plant of complainant and the Coatesville Foundry and Machine Company.

An investigation was made by the Commission, and the complainant advised that the movement, being over two lines, the charges complained about were a compensation to both lines—the rate being a joint rate—and unless the complainant is prepared to substantiate the charge that this rate is excessive the Commission does not see the necessity for a hearing.

As complainant did not further prosecute complaint the same was closed.

No. 556.

WILLIS GEIST NEWBOLD vs. CENTRAL PENNSYLVANIA TRACTION COMPANY.

Complaint was made regarding the schedule and inadequate equipment of the Reservoir Park Line of the respondent Company's road in the city of Harrisburg, alleging that the cars were not properly lighted and were poorly ventilated and that the schedule was not maintained, as the cars were often bunched.

Respondent's answer set forth that they had inaugurated a new schedule and had added for the summer season a greater number of cars on said line, thereby removing the cause of complaint.

No. 557.

WILKOFF BROTHERS COMPANY vs. PITTSBURG, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY.

Complaint was made regarding an alleged overcharge of 5c. per ton on nine cars of cinders shipped from Washington to Mt. Dallas.

Respondent advised that they had no delivery at Mt. Dallas but at Earlston where deliveries from Mt. Dallas were made. Inasmuch, however, as they had

accepted shipment for delivery at Mt. Dallas and had a published rate to Mt. Dallas at that time, they were compelled to make a refund on the basis of that rate.

No. 558.

W. S. MANLEY, et al., vs. CENTRAL PENNSYLVANIA TRACTION COMPANY.

A petition was filed with the Commission, alleging that the rate of fare charged by the respondent Company between Rockville and Harrisburg was burdensome and excessive, and that said Company on other of its lines transported passengers a greater distance for a less rate.

The respondent, in answer, set forth that if a single fare were put into effect, as requested by the petitioners, the result would be that from far the greater number of passengers from Rockville the respondent would receive less than the actual operating cost of transportation without making any allowance for fixed charges, interest or rental.

A hearing was held and an agreement made whereby respondent put in force a rate of 15c. for round trip ticket between Harrisburg and Rockville—tickets to be purchased at the office of said Company.

As this satisfied the petition, the case was closed.

No. 559.

JOHN J. KENNEY, vs. CENTRAL RAILROAD OF NEW JERSEY, and DELAWARE AND HUDSON COMPANY.

Complaint was made, alleging inadequate train service in the borough of Parsons and requesting that respondent be requested to stop certain trains at that place.

The respondent, in answer, advised the Commission that the service desired was express service between the large communities of Scranton and Wilkes-Barre on the one hand and Philadelphia on the other, and that to stop these trains would involve a like stoppage at other stations of a similar size and would immediately convert respondent's express service into that of a local service.

The Commission, after investigation, advised the complainant that, owing to the present service rendered by both respondent companies and the service afforded by the Street Car Company, they did not feel warranted in requiring the respondents to provide the stops requested, and the case was closed.

No. 560.

GEORGE B. BELL vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complaint was made that the service by the surface cars which run northward on 63rd street, Philadelphia, is very unsatisfactory, stating that while it takes but 15 minutes to go from Broad street to 63rd street on the elevated line, patrons frequently have to wait longer than that before they can get a surface car to finish the journey.

The respondent advised the Commission that a re-arrangement of service would be made, which would permit a more frequent service on 63rd street from Market street north.

As this satisfied the complaint, the case was closed.

No. 561.

CHARLES L. HOOD vs. PITTSBURG AND LAKE ERIE RAILROAD COMPANY.

Complaint was made regarding the withdrawal of market rates for the shipment of marketing from Schoop's ferry to Pittsburgh.

Respondent in answer advised that the express company handling traffic over their lines was better equipped to take care of this and other business, and that said traffic interfered with the work of the baggage masters handling baggage in the same car.

Copy of the answer of respondent was sent to complainant, but as he failed to prosecute complaint further same was closed.

No. 562.

THOMAS CARLIN'S SONS COMPANY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Complainants alleged that they owned a side-dump steel railroad car, 100,000 pounds capacity, which they used for the purpose of removing ashes and dirt from their boilers and foundry; this car is placed on their private siding at their works

and loaded from day to day as the dirt accumulates, to save handling; when loaded the car is consigned to a private switch on property belonging to one of the members of the firm, situated on the West Penn Railroad between Aspinwall and Ross Station, the distance being from five to six miles from complainant's plant; that the respondent company made a demurrage charge, stating that, in loading, the car was kept one day beyond the regular time.

The complainants, after an ex parte hearing, were advised that the Commission was of the opinion that when this private car was returned to and placed upon complainant's exclusively owned and operated track it is not subject to demurrage charges.

No. 563.

T. W. SHARP vs. LEHIGH VALLEY TRANSIT COMPANY.

Complaint was made regarding the rate of fare from the lane below Fort Washington to the Works near Ambler on the line of the respondent company's road.

An investigation developed that the complainant leaves the car a short distance inside of the following fare limit which causes him to pass through two fare zones.

Complainant was advised that practically all the interurban lines operate on a zone basis and experience great difficulty in arranging the zone limits to satisfy all patrons of the road; and that unless complainant is able to show that these zones established by the Respondent are unequal and inequitable, and to suggest a more equitable and just zone division, the Commission is unable to assist, under the circumstances, and that there is no law fixing either the zone limits or the mileage rate for street car service.

No. 564.

THE FOX SILICA SAND AND STONE COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Alleging that the rate of 60c. as charged on shipments of sand from Daguscahonda, was excessive, complaint was filed with the Commission.

The respondent advised the Commission that the rate—60c. per net ton—is 5c. per ton less than the rate ordinarily charged for a similar distance of 29 miles, and that there are a number of sand shipping points in the vicinity of Kane, and in order that each may have a chance to compete the same have been grouped and apply a rate of 60c. from any point in the group.

The Commission advised the complainant of the answer of respondent, and, in the absence of any proof that the arrangement was unjust and inadequate, closed the case.

No. 565.

DEPARTMENT OF CHARITIES, PITTSBURGH vs. THE PENNSYLVANIA RAILROAD COMPANY, THE BALTIMORE AND OHIO RAILROAD COMPANY.

Application was made asking Commission to request different railroads to furnish tickets at a reduced rate of fare to individuals in destitute circumstances.

After conference with the Director of Charities of the city of Pittsburgh, the Commission advised that it was without jurisdiction in the matter.

No. 567.

BOROUGH OF BUTLER vs. THE BALTIMORE AND OHIO RAILROAD COMPANY, AND BESSEMER AND LAKE ERIE RAILROAD COMPANY.

Petition was filed for the betterment of street car service and the elimination of a grade crossing on Center Avenue in the Borough of Butler.

Investigation and hearing held by the Commission developed the fact that the Borough of Butler had passed an ordinance satisfactory to the Street Railway Company, providing for the construction of a single track, single pier viaduct, over the railroad in question. The Commission advised that under its authority it could neither recommend the widening of the viaduct to correspond with the width of the street, nor change the tracks crossing the same.

No. 568.

NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY in re. CLAIM OF THE WALKER SAND COMPANY.

Petition was filed before the Commission asking leave to grant a refund of $244.39, an alleged over charge on various shipments of moulding sand from Fairview to Erie, the rate on the same having been 30 cents per ton and having been advanced to 50 cents per ton. The request for refund was based upon the fact that the shipper had

no advice from agent of the advancing rates and they continued to sell on a basis of the old rate, and all sand sold on said basis, and on which they ultimately paid the new rate, was sold at a loss.

The Commission, placing reliance in the statements made by the shipper and the Railroad Company, advised the parties that they had no objection to the refund being made, and the case was closed.

No. 569.

S. A. FISHBURN vs. PHILADELPHIA AND READING RAILWAY COMPANY.

A petition was filed presenting a claim for the refund of $1.00 for car service charges alleging that the same could not be released owing to the refusal of the City authorities to allow traffic on the streets of Harrisburg during the inaugural ceremonies.

The Commission advised the complainant that as other routes, which were reasonable and convenient, were available for use, under the circumstances, they were not necessarily prevented from delivering materials on Inauguration Day, and in consequence dismissed the complaint.

No. 570.

H. FREUND & COMPANY vs. ADAMS EXPRESS COMPANY.

Alleging that the rate on a package from Tarentum to Philadelphia was excessive because the rate to Pittsburgh was less, complaint was made to the Commission.

After investigation, the Commission advised the Complainant that, in view of the additional service required for transfer, the charge of the Express Company did not seem to be too much in excess of the charge to Pittsburgh, from the same point of origin, and case closed.

No. 571.

FRANK METTFETT AND BROTHER vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that a charge for icing on a shipment of fruit from Mt. Alto to Lancaster was excessive.

Respondent advised the Commission that all cars are iced twice:—first, at Chambersburg before going to Mt. Alto, and, afterwards, at Chambersburg enroute to destination, there being no facilities for icing cars at Mt. Alto, and that all refrigerator cars are supplied from Chambersburg.

The complainant was advised that the charges seem to have been properly made, but whether there were any circumstances surrounding the case that would relieve complainant from paying bill upon presentation by Respondent Company is a question which only the Courts could determine, and the case was dismissed.

No. 572.

THE NORTH EAST INDEPENDENT TELEPHONE COMPANY vs. TELEPHONE COMPANIES.

Complainant alleged that the Independent Telephone Companies of Erie County have refused to send or to receive messages from the Complainant Company through fear of disconnection by the American Union Long Distance Company, Complainant Company having connected with the Bell Company.

The complainant advised the Commission that as legal proceedings had been instituted restraining Respondents from disconnecting connections, complainant desired to withdraw the complaint.

No. 573.

THE PATTON COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Alleging excessive charges on a shipment of lumber complaint was filed with the Commission. An examination revealed the fact that the shipment in question

originated in Tennessee, a point without the State, and therefore the Commission dismissed the complaint as the same constituted an interstate shipment, over which the Commission has no jurisdiction.

No. 574.

G. ELMER DETRICK vs. LEHIGH VALLEY RAILROAD COMPANY.

Complainant alleged that the passenger train service between Sayre and Tunkhannock, on the line of the Respondent Company's road, was insufficient.

The Commission advised the complainant that unless it can be proven that the demand and the amount of travel is sufficient to warrant additional service on that line, the Commission could not recommend the service desired.

As complainant failed to establish these facts, the case was closed for want of prosecution.

No. 575.

F. S. DENISON vs. SCHUYLKILL VALLEY TRACTION COMPANY.

Complaint was filed alleging that the character of Respondent's cars and the operation of the same between Wissahickon Station and Manayunk, and Wissahickon Station and Barren Hill were insufficient to meet the demands of the travelling public.

After receiving the answer of the Respondent Company, and an investigation made by a representative of the Commission, the complainant was informed that the Commission was of the opinion that the present facilities afforded were sufficient to meet the present demands for traffic; but that, through the services of the Commission, the Respondent Company would, beginning with the 1st of April and continuing throughout the summer, afford additional service and make closer connections between the points involved in the complaint.

No. 576.

EDWARD U. SMITH vs. PITTSBURGH AND CHARLEROI STREET RAILWAY COMPANY.

The complainant alleged that he lived at Library Acres, on the line of respondent Company's road, and was was employed at the Fort Pitt Bridge Works, Canonsburg; that the fare of 35 cents, charged by the respondent Company, is excessive, as the respondent sells tickets at reduced rates from Charleroi and Monongahela City to Washington; that complainant should be entitled to some reduction in fare between Library Acres and Canonsburg.

In answer respondent advised that the distance from Library Acres to Canonsburg is 15½ miles and the route is over two different lines of the Pittsburgh Railways Company, being about 3½ miles on the Charleroi route and 12 miles on the Canonsburg and Washington route. Respondent admits that it sells trip tickets for passengers between Charleroi and Weshington, a ride each way of 42½miles for $1.20, and between Monongahela City and Washington, a ride each way of 37 miles for $1.00; that the use of these tickets is desirable in that it facilitates the collection of fares by conductors, and, as all these places are in Washington County, it enables the travel to reach the county seat; that said system would not be practicable on the line between Library Acres and Canonsburg, because a mileage basis of fare could not be adopted without great confusion and difficulty; the 5 cent unit of fare in use, therefore, requires the fixing of fare points; that such points are fixed at uniform distances along the route.

In the case of the complainant while the fare charged him from Library Acres to Canonsburg for his ride of 15½ miles is 35 cents, the same fare will convey other passengers from a point beyond Library Acres to a point beyond Cononsburg, a total distance of 18.4 miles.

A copy of the answer was sent to complainant and as he failed to further prosecute the case, same was dismissed.

No. 577.

INDIANA FOUNDRY COMPANY, LTD. vs. BUFFALO, ROCHESTER AND PITTSBURG RAILWAY, THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made to the Commission regarding a rate on scrap iron shipments from Vintondale to Indiana, alleging that the same was excessive.

The Respondent Companies advised that they were prepared to take up the question direct with the complainant, and the case was therefore dismissed.

No. 578.

PENNSYLVANIA FIRE BRICK COMPANY vs. NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Complainant was made regarding the classification of steel castings on a shipment from Clearfield to Beech Creek, on the line of the Respondent Company's road, alleging that the same was excessive.

After taking the matter up with Respondent Company the Commission secured for the complainant a readjustment of rates, and the case was closed.

No. 579.

W. H. DRUCKEMILLER vs. WESTERN MARYLAND RAILWAY COMPANY.

Complaint was made regarding rates of fare from Chambersburg to Hanover, via the line of the Respondent Company's road, alleging that said rate was excessive, and that a greater rate was charged for one part of the trip than for another.

The Commission, after investigation, advised the respondent that, inasmuch as part of this route was outside of the State of Pennsylvania, it was interstate traffic and as such was beyond the jurisdiction of the Commission, and the complaint was dismissed.

No. 580.

GEORGE M. TRIMBLE vs. ADAMS EXPRESS COMPANY.

Complainant alleged that the rates charged by the respondent company on express matter in Pennsylvania were excessive.

As complainant failed to furnish information requested by the Commission regarding these rates on shipments, the case was dismissed for lack of prosecution.

No. 581.

F. W. TUNNELL AND COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY, AND ERIE RAILROAD COMPANY.

Complaint was made alleging excessive rates on fertilizers shipped in carloads from Philadelphia to various points in Tioga County.

After investigation by the Commission, the complainant was advised that the junction point of these two railroads was in the State of New York, and the freight would necessarily be transported part of the way in the State of New York, that this constitutes interstate traffic, and is, therefore, without the jurisdiction of the Commission.

No. 582.

J. K. MOSSER COMPANY vs. LEHIGH VALLEY RAILROAD COMPANY.

Complaint alleged that excessive rate was charged on a shipment of bark from Standing Stone to Noxen, stating that at first the quotation was made for $1.05 by the Railroad Company, but bill was presented showing charge as $1.25 per ton; that later Respondent advised that the rate should be $1.45 and requested the payment of the difference.

The complainant was advised that inasmuch as the consignor agreed to deliver the commodity F. O. B. Noxen and directed consignee to pay the freight and deduct that charge from the cost of the commodity, that if the Railroad Company makes any overcharge for freight, then either party can make claim for refund of the overcharge, but the consignee in so doing would act therein as the agent of the consignor in which capacity he also acts in the payment of freight; that inasmuch as in the demand for overcharge, as well as in payment of any freight charges, consignee is acting only as agent for the consignor, if the consignor places upon the consignee any limitations as to the freight rate, consignee is concluded thereby, and if instructions were exceeded in that respect, would be responsible for any loss resulting.

As complainant failed to further prosecute complaint the same was dismissed.

No. 583.

LEWIS F. CASTOR vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was filed, alleging that the freight rate on the shipment of a carriage from Trenton, New Jersey to Frankford, Penn'a., was excessive.

The complainant was advised that, inasmuch as the shipment in question, from the point of origin to point of destination, involved interstate traffic, this Commission has no jurisdiction in the matter, and the case was dismissed.

No. 584.

HORACE LINCOLN JACOBS vs. CITY PASSENGER RAILWAY COMPANY OF ALTOONA.

Complaint was made because the respondent Company refused to issue transfer at 8th Avenue and 15th Street, in the city of Altoona; also to accept tickets for transportation by said company.

In answer, respondent advised that the place at which complainant desired transfer is not a transfer point, and that the conductor was within his right in not issuing a transfer.

In regard to the refusal to accept tickets, respondent answered that the car upon which tickets were offered is what is known as the "Owl-car" on which the fare is 10 cents, and that there were no City-line cars running at that hour of the night upon which transfers could have been used.

Copy of the answer of the respondent was sent to the complainant for comment but as he failed to comment on same, case was dismissed.

No. 585.

H. U. CLAYTON and W. E. HEXAMER vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complaint was made to the Commission relative to the heating of cars operated by the respondent company on its lines in the City of Philadelphia.

The respondent advised the Commission that, owing to unsual circumstances caused by a severe snow storm, considerable power trouble was experienced, thereby necessitating the cut-out of the heat on the passenger cars.

Case closed.

No. 586.

SAMUEL CALVIN SMITH vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made regarding the delay of Train 204, leaving Altoona at 4:00 P. M., February 28th, on the Bedford Division of the respondent company's line, alleging that travelling public was put to serious inconvenience by delay of said train.

The respondent company advised the Commission that the delay in said train service was due to the fact that the local freight engine became stalled, on account of running out of sand and water, and that the delay was an unavoidable one.

As this explanation satisfied the complaint, the same was dismissed.

No. 587.

STROMBERG-CARLSON TELEPHONE MFG. COMPANY vs. THE BELL TELEPHONE COMPANY.

Complaint was made regarding the refusal of the respondent to connect with private telephone exchanges unless the customer adopted the Western Electric Company's type of switch-board equipment.

The complainant was advised by the Commission that there is no statute in Pennsylvania on the subject of connection of private exchanges. The Telephone Companies being common carriers, under their duties as such, must render service to all alike. Private branch exchange service must be accepted by them upon the same conditions for all, and if the equipment installed can be operated with the same facility, accuracy and safety as that of other manufacturers now in use, in connection with the service offered by the telephone companies, there could be no valid objection to its installation.

No. 588.

O. C. MUTSCHLER vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made regarding stop-over privileges on excursion tickets from Lewisburg to New York.

The Commission advised that, as the point of origin and the point of destination were in two separate states, it was an interstate journey, over which the Commission has no jurisdiction, and dismissed the complaint.

No. 589.

P. L. ROW vs. THE PENNSYLVANIA RAILROAD COMPANY.

A petition was made for the refund of dues paid into the Railroad Voluntary Relief Fund.

The complainant was advised that the payment of such sum into said Relief Fund is subject to the provisions of that Department, and in case of any dispute in regard to the scope and meaning of these provisions the question arising will have to be determined by the Courts, as the same is without the jurisdiction of this Commission, and the case was dismissed.

No. 590.

GEORGE W. WILLIAMS vs. NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Complaint was made regarding the station facilities and accommodations at Stokesdale Junction, on the line of respondent Company's road.

On receipt of said complaint, the respondent advised the Commission that orders had been issued to make the desired improvements, and as this satisfied the complaint the case was dismissed.

No. 592.

H. J. FRY vs. HUNTINGDON AND BROAD TOP MOUNTAIN RAILROAD AND COAL CO.

A petition was filed, representing that the siding facilities at the stations of Cipher and Hopewell, on the line of the respondent Company's road, were not sufficent nor convenient to profitable shipping, and requesting that greater facilities be afforded.

The respondent, in answer to said complaint, advised the Commission that they were willing to provide increased siding facilities at the points desired.

As this satisfied the complaint, the same was dismissed.

No. 593.

WALTER C. DRAKE vs. ALTOONA AND LOGAN VALLEY ELECTRIC RAILWAY COMPANY.

Complaint was made, alleging that the conductor on the line of respondent Company refused to accept transfer offered as fare.

The Commission, after investigation, advised the complainant that the conductor was correct as it was his duty to follow the rules of the Company, which provided that the transfer with the coupons detached could not be accepted, and had it been accepted by him and turned into the office of the Company, the Company would have held the conductor responsible for the amount of the fare.

Case dismissed.

No. 594.

JOHN HEATHCOTE vs. ADAMS EXPRESS COMPANY.

Complaint was made, alleging that the respondent Company failed to deliver goods to the residence of the complainant, No. 20 South 19th Street, in the City of Harrisburg.

The complainant was advised that the Express Company had extended their delivery limits from Seneca Street on the north to Cameron Extension on the south, and from Front Street on the west to 21st Street on the east, which territory would include complainant's residence.

Case closed.

4—28—1911

No. 595.

L. M. MACE vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made regarding the refusal of respondent company to furnish buffet service to passengers unless a Pullman chair was paid for while being served.

The complainant was advised that the service is in the power of the Pullman Company and the service on that car is made only to the occupants thereof and not to all passengers indiscriminately on the train. Consequently the Pullman Company is justified in refusing to serve passengers from other cars.

Case dismissed.

No. 596.

W. C. LADERER'S CARRIAGE FACTORY vs. RAILROAD COMPANIES.

Alleging that freight rates on wagons from Evans City to points in Pennsylvania were excessive, complaint was filed with the Commission.

As the respondent failed to advise the name and rates of the railroad companies over which shipments were made, the case was dismissed for lack of prosecution.

No. 597.

JOHN F. BEIGHLEY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged inadequate passenger and freight facilities at Ardara.

As the complainant failed to establish sufficient demand for additional passenger and freight facilities, the complaint was dismissed.

No. 598.

GEORGE JOHNSON and FRANK H. RIDGLEY vs. THE BELL TELEPHONE COMPANY.

Complaints were made to the Commission regarding the right of the Telephone Company to terminate a contract and refuse to renew the same except at an increased rate.

The Commission advised the complainants that the real question at issue was whether the rates now charged by Respondent Company are reasonable and equitable; and that there can be no question as to the right of the respondent company, from time to time, as the circumstances may warrant, to change its rates; and that because the rates under the old contract were lower than the ones now demanded for similar service does not of itself justify the Commission in determining that the new rates are unreasonable and excessive. The only thing that would justify such determination by the Commission would be proof to that effect.

As the complainants failed to further prosecute their complaint, the same was dismissed.

No. 599.

THE BALTIMORE AND OHIO RAILROAD COMPANY vs. CLAIM OF G. G. STITZINGER AND COMPANY.

Alleging an overcharge on a shipment of lumber from Shippensville, consigned to Alicia Mines, located near South Brownsville, the Baltimore and Ohio Railroad Company petitions this Commission for the right to make reparation to claimant.

The Commission, after considering the full statement of facts by both parties, advised petitioners that no objection would be made to a refund, and case was, therefore closed.

No. 600.

THE BALTIMORE AND OHIO RAILROAD COMPANY in re CLAIM OF AMERICAN SHEET AND TIN PLATE COMPANY.

An application was made by the Baltimore & Ohio Railroad, asking leave to make repartation to the American Sheet & Tin Plate Company in the sum of $85.88, for 5 cents per ton alleged overcharge on shipments made by that Company of 48 cars of sheet bars from Bessemer, Penn'a., to Connellsville, Penn'a.

The Commission, after investigation, developed that from the summer of 1904 until the publication of Tariff 8688, effective September 11th, 1909, the rate on sheet bars from Bessemer to Connellsville, Penna., was 55 cents per gross ton but that by said tariff 8688 the rate was changed to 60 cents per gross ton and that rate remained in effect until the summer of 1910.

That during the period from December, 1905, until about the same time 1909 the works of the American Sheet & Tin Plate Company were closed and presumably no shipment therefore made.

That in January, 1910, that Company began its shipments again and continued them for a period of at least six months, during which time the 48 cars in question were shipped and the Company's published rate of 60 cents per gross ton paid for freight thereon, and the payment of that freight made in advance, and it was subsequent to these shipments that the complaint was made of this freight rate, and the new tariff restored the old rate of 55 cents thereon, then published and made effective in July, 1910.

That it appeared that for a period of about five years the plant of the Company was not in operation, and that when operations therein were resumed, shipments were made without any inquiry as to the rate then in effect, and that that rate must necessarily have beeen made known to the shipper by reason of the fact that these shipments began early in January, 1910, and the freight thereon was prepaid, and this prepayment of freight, without so far as appears any complaint or objection thereto having been made, was continued by the shipper for a period of six months.

Since the rate was known to the shipper at the time these shipments were made and the shipmeents continued for so long a period without objection, and since, also, it seems that this claim was held in abeyance for a period of at least six months longer, the Commission did not feel justified in approving the reparation desired in this case.

Wherever freight rates claimed are to be excessive and unreasonable, it is the duty of the shipper to make complaint of that fact at the earliest opportunity, and laches like that apparent in this case should not be countenanced.

The petitioner was also advised that it was far from the desire or intention of the Commission to interpose any objection to reparation in proper cases where the ground therefor was of recent date and the shipper had not slept upon his rights beyond reasonable period, but the opportunities for possible discrimination in matters of this kind are such that the Commission is required to exercise the greatest caution in approving requests of this character.

Claim for reparation denied and case closed.

No. 601.

A. S. BRINSER vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made that while the eastbound passenger train was discharging passengers at Bainbridge Station a westbound freight rounded the curve of the road at the rate of 15 to 20 miles an hour, thereby endangering the lives of the passengers.

The respondent advised the Commission that the freight train was operated in disobedience to the rules of the Respondent Company and the crew had been properly disciplined. A rule is in vogue by the Respondent Company which, if adhered to by the employees, would prevent a repetition of such an occurrence.

Case dismissed.

No. 602.

P. H. MORRIS vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made alleging discrimination in the 5 and 10 cent package delivery service of the respondent company between Philadelphia and Newtown.

Investigation developed that, according to the rules of the respondent, the service must be on goods for personal or family use and not for sale; that the intent of the service is to afford facility for the use of patrons within the commutation district coming into Philadelphia for shopping and marketing, and is not intended to take the place of the usual express service; that the complainant is a retail dealer in Newtown and desired to receive and send packages from and to Philadelphia on the same terms as a private individual under the rules of the Railroad Company; as these rules expressly provide that these shipments do not apply to articles intended for sale such articles do not come under the provisions of the Parcel Express Service.

The Commission did not see there was any discrimination practised by the respondent, and dismissed the complaint.

No. 603.

WILLIAM W. STONEBRAKER vs. THE PULLMAN COMPANY.

Complaint was filed, alleging that excessive charge was made for two seats between Johnstown and Altoona, on Penn'a. Train No. 36—the berth rate of $1.50 being charged.

The respondent advised the Commission that the regular seat fare from Johnstown to Altoona is 25 cents during the hours when respondent sells seats in its sleeping cars, but that Train No. 36 passes Johnstown at 11:08 P. M., which is after the time when the sale of seats is permitted in sleeping cars and that said rules have been established in consideration of sleeping car passengers who desire to retire.

The complainant was advised of the rules of the respondent company and of its answer, and as he failed to prosecute the same the complaint was dismissed.

No. 604.

WALKER ELECTRIC COMPANY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Complainant alleged improper classification on a shipment of electrical apparatus from Pittsburgh to Philadelphia, on the line of the respondent company.

The Commission advised the complainant that, as the shipment in question moved through the states of Delaware, Maryland and West Virginia, it constituted an interstate movement and the same was without the jurisdiction of this Commission. The case was, therefore, dismissed.

No. 605.

JOHN HOHENADEL, C. L. DYKES and J. W. FERGUSON vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made regarding the proposed change in location of the passenger station at East Falls, on the line of the respondent company.

The Commission, after personal interviews with the parties and also personal inspection of the locality in question, advised the complainants that they were of the opinion that there was no material difference, so far as the convenience to the patrons of the respondent's road at East Falls is concerned, between the location proposed by respondents and that proposed by the complainants; that a station located at either point to be reasonably convenient to the patrons of the road, would require the opening of Sunnyside Avenue, with connections with Hohenadel Street, and away from that Avenue southeast to the location desired by the complainants, and northwest to the location proposed by the respondent company; this, in addition to means of access more directly from Midvale Avenue should the station be located on the site proposed by the respondent.

With these various avenues of approach afforded either location should be reasonable and convenient—the distance between them is of no such considerable matter as to make substantial difference in the location.

The Commission, therefore, refraining from designating definitely either of the points, contented itself with the information that either of the points would be accessible and dismissed the complaint.

No. 606.

HENRY J. SHOEMAKER vs. BUCKS COUNTY ELECTRIC RAILWAY COMPANY, and NEW JERSEY AND PENNSYLVANIA TRACTION COMPANY.

Complaint was made regarding the connection at Newton between the cars of the respondent companies, setting forth that patrons were put to considerable inconvenience and annoyance.

Respondents advised of their attention to endeavor to make better connections, thereby satisfying the complaint.

No. 607.

DAVID BAUGHMAN vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made regarding the dangerous approach to the station at Irwin, Westmoreland County, owing to the occupancy of the main street crossing by the branch trains in the morning.

The respondent advised the Commission that arrangements had been made to keep the crossing open until such time as certain improvements are made which are in contemplation and which will result in less interference with said crossing.

As this satisfied the complaint, the case was closed.

No. 608.

W. WILLIAMS vs. DELAWARE AND HUDSON COMPANY.

Complaint was made regarding damages caused to the farm land of the complainant by burning, due to sparks thrown from a locomotive.

The complainant was advised that redress should be sought through appropriate action at law for the damages sustained, and that this Commission was without jurisdiction.

No. 609.

THE BERKEBILE LUMBER COMPANY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Complainant alleged that excessive rate was charged on a shipment of bricks from Somerset to Acosta, a distance of 15 miles; the rate was 40 cents per ton more than the rate to Johnstown, which is more than twice the distance.

Upon taking the matter up with the respondent it developed that the shipment was erroneously assessed at $1.20 per net ton, due wholly to the agent having overlooked the commodity rate of 55 cents per net ton, as per Tariff I. C. C. 9250, and that a refund of $17.82 would be made to the complainant.

This satisfied the complaint and the case was closed.

No. 610.

RIDGE VIEW SAND COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that the rate on sand from Walnut Bend to Pittsburgh, was excessive, as compared with the rate from Walnut Bend to Buffalo, New York.

The respondent advised the Commission that the rate charged was the same as all other rates to that point; that the rate to Buffalo was considered extremely low, but was made to enable this company to compete with other sand plants situated in the Buffalo market.

As the complainant failed to further prosecute the complaint, same was closed.

No. 611.

MESTA MACHINE COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged improper classification of shipment of billets from Pittsburgh to Homestead.

After answer filed by the respondent, the complainant advised the Commission that the question had been taken up direct with the respondent and was in process of satisfactory adjustment.

No. 612.

CHARLES J. GLUNZ vs. EASTERN PENNSYLVANIA RAILWAYS COMPANY.

Complaint was made that respondent company charged two fares within the borough limits of Pottsville.

The complainant was advised that there were no statutory provisions in this State limiting the fare within boroughs to a single fare within the corporate limits, and unless the Borough of Pottsville imposed such a provision upon the Street Railway Company in granting the franchise, there is no legal prohibition on the subject.

Case dismissed.

No. 613.

RESIDENTS ALONG THE RIGHT OF WAY OF THE SOUTH PENNSYLVANIA RAILWAY COMPANY vs. SOUTH PENNSYLVANIA RAILWAY COMPANY.

Petition was filed complaining of the abandonment of the constructive operation on the line of the respondent company's road.

Petitioners were advised that an application should be made to the Attorney General to institute proceedings in quo warranto to void and annul charter privileges, unless the time for construction of said road had been extended.

As the same was without the jurisdiction of this Commission the case was closed.

No. 614.

W. K. MYERS vs. PHILADELPHIA AND READING RAILWAY COMPANY.

A petition was filed requesting the change of the location of Hunters Run Station on the line of the respondent company's road.

The Commission after an investigation of the locus in quo, was of the opinion that it was impracticable to ask the removal of the Hunters Run Station to the location requested; but that petitioners should petition for the establishment of a new station at the point desired; and in order to warrant the Commission in making

such a recommendation for the establishment of such a station sufficient business would have to be shown to warrant it. As complainant failed to do this, the case was closed.

No. 615.

ALLENTOWN PORTLAND CEMENT COMPANY vs. DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, and PHILADELPHIA AND READING RAILWAY COMPANY.

Complainant advised that respondent Company refused to make rate of $1.25 per ton on carload shipments of cement from Evansville to Scranton, thereby meeting the present published rate via the Central Railroad Company of New Jersey and the Delaware & Hudson Company in connection with the Philadelphia & Reading Railway Company.

The Commission advised the complainant that if he regarded the rate as excessive, the Commission would appoint a time and a place for a hearing; but as complainant failed to prosecute his complaint, the same was dismissed.

No. 616.

PHOENIX IRON WORKS vs. ERIE RAILROAD COMPANY.

Complainant alleged an overcharge on freight rate on coke between Claire and Meadville.

After taking the matter up with the Respondent Company an adjustment was made to the satisfaction of the complainant and the case was closed.

No. 617.

SULZBERGER AND SONS COMPANY vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Alleging an overcharge on shipment of horse-radish from Philadelphia to Hazleton, complaint was made to the Commission.

The respondent advised the Commission that as the shipment did not comply with the prescribed rules and regulations published by the respondent, the Commission cannot compel the Railroad Company to make a refund. The case was, therefore, dismissed.

No. 619.

WILMER M. WEBB vs. THE PENNSYLVANIA RAILROAD COMPANY.

The complaint was made regarding the charge for checking of a bicycle from West Philadelphia to Queen Lane Station, claiming that the same should be carried free as baggage.

The Commission advised the complainant that they knew of no reason why the Railroad Company should not charge for the transportation of a bicycle the same as for any other article, and the case was dismissed.

No. 621.

I. KAHANOWITZ vs. CENTRAL DISTRICT AND PRINTING TELEGRAPH COMPANY.

Alleging discrimination in rates charged for yearly telephone service in Greensburg, complaint was filed with the Commission; but as complainant failed to make specific and definite complaint the same was dismissed for want of prosecution.

No. 622.

J. W. PARK vs. ADAMS EXPRESS COMPANY.

The complainant, producer and shipper of thorough-bred eggs for hatching purposes, complained that the Respondent Company refused to accept shipments only at owners risk of damage. The complainant, however, notified the Commission that the respondent had changed its rules and accepted goods for shipment at their risk.

Case was closed.

No. 623.

MRS. ELIZABETH J. KESLER vs. LEHIGH VALLEY TRANSIT COMPANY.

Complaint was made regarding the discontinuance of the trolley stop at Hohe, setting forth that the same was a great inconvenience to the people of that community.

The respondent, in answer, advised that from an operating standpoint it was a very objectionable place to stop, and also that there were stopping places both north and south, at which places ample facilities were provided.

The Commission, after an investigation, advised the respondent that in their opinion this station should be re-established, which respondent consented to do.

No. 624.

BOROUGH OF MIDWAY vs. PITTSBURG, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY.

Complainant alleged that the arch of the Railroad Company, crossing one of the public streets of the Borough of Midway, was dangerous.

The complainant was advised that the complaint was of such a character as not to come within the jurisdiction of this Commission, and the case was dismissed.

No. 625.

NEW WILMINGTON TELEPHONE COMPANY vs. AMERICAN UNION TELEPHONE COMPANY.

Complainant alleged that the respondent refused to accept business to and from the North East Independent Telephone Company, thereby working an injustice to complainant.

The Commission advised the complainant that the law in this Commonwealth provides that telephone companies shall have the right to connect with each other, but there is no law requiring telephone companies to make such connections. At least, no law authorizing anybody, at the instance of a patron of one line, requiring that line to connect with an other line. Case dismissed.

No. 626.

R. C. REYNOLDS vs. LEHIGH AND NEW ENGLAND RAILROAD COMPANY.

Complainant alleged that by the abandonment of passenger train service on the Saylorsburg Branch of respondent Company between Saylorsburg Junction and Saylorsburg he was put to great inconvenience in reaching Saylorsburg from outside points; and desired that respondent be compelled to re-establish train service on said branch.

Respondent makes answer advising that a mixed train service between Pen Argyl and Saylorsburg has been continued daily, except Sunday, except in the winter months during which period said mixed service is maintained on alternate days; that the electric passenger lines operating in the territory covered by the respondent Company is ample.

The complainant, after receipt of answer of respondent, advised that it was his desire to withhold further prosecution of complaint.

Case withdrawn.

No. 627.

RESIDENTS OF SHERWOOD AND ANGORA vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged inadequate train service at Angora Station, and discriminatory rate of fare from said station to Broad Street Station.

On advice given by both respondent and complainant that the service to Angora Station had been satisfactorily rearranged, the Commission marked the complaint withdrawn.

No. 628.

ROMBERGER AND COOK vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made regarding the delay in shipment of several carloads of horses, shipped from the West to Elizabethville, Pa., the delay occuring at Millersburg, thereby causing loss to the owner of the horses.

The Commission advised the Complainant that, as the shipment originated at points without the State, it comprised an interstate shipment and, as such, is not within the jurisdiction of the Commission. Case was dismissed.

No. 629.

OHIO IRON AND METAL COMPANY vs. PITTSBURG, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY, and PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that an excessive rate was charged for the switching of a car at Carnegie.

In answer, respondent advised the Commission that charge was for two cars, due to the fact that the traffic in question required a trailer on account of its length. The switching tariff at destination provides for the charge of $2.00 per car and this charge was assessed in accordance with the publication governing the same. As said charge did not seem unreasonable to the Commission, complaint was dismissed.

No. 630.

WILLIAMSPORT AND NORTH BRANCH RAILROAD COMPANY in re. CLAIM OF A. C. LITTLE & SON.

Application was made to make refund of the difference between 5 cents and 12 cents per hundred pounds on four carloads of lumber transported from Sonestown to Eagles Mere.

The Commission, after careful consideration of the application, advised the petitioner that it would be unjustifiable and unwise to approve such a refund. To do otherwise would be to hold every railroad company to the duty of notifying all its shippers whenever it made any change in its rates and would relieve every shipper from the duty of making inquiry as to the terms on which proposed shipments are to be made. In every case it is presumed that the shippers will deem it necessary to advise themselves of the rates in existence at any particular period, and this is the duty which they should feel it encumbent upon themselves to observe. The petition for refund was therefore refused.

No. 631.

WILLIAM H. SAILOR vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Alleging that respondent Company disregarded the Commission's order prohibiting passengers from riding on the front platform of trolley cars, complaint was made to the Commission.

The Commission advised the respondent that it must insist upon strict enforcement of its orders prohibiting passengers from riding upon the front platforms of cars; and the respondent can rely upon the support of the Commission in every practicable and proper way in the carrying out of said recommendation.

Case closed.

No. 632.

LOGAN VALLEY GRANGE vs. ALTOONA AND LOGAN VALLEY ELECTRIC RAILWAY COMPANY.

The complainants alleged they were discriminated against by the respondent Company charging 15 cents between Bellwood and Altoona, a distance of 7 miles, and refusing to grant transfers or sell tickets at reduced rates, whereas they granted these privileges between Bellwood and Tyrone—a like distance.

Before the Commission acted upon the question the complainants withdrew their complaint, temporarily, because of the action taken by the respondent Company on an overture made to it by the Chamber of Commerce of the City of Altoona.

No. 633.

GEORGE W. MUTSCHLER vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made alleging damage to farm land by burning caused by sparks from locomotives operated on the line of the respondent Company.

Respondent advised the Commission that all engines running on said line were reported in good condition with wire netting in first class order; and if the complainant would present claim to the Claim Agent of respondent Company the same would receive direct attention.

Case closed.

No. 634.

CHARLES C. SIMINGTON vs. PHILADELPHIA RAPID TRANSIT COMPANY.

The complainant requested that the conductors of the respondent Company be given authority to cash, or otherwise redeem, expired exchange tickets.

The complainant was advised that the Commission did not deem it judicious or practical to have conductors cash exchange tickets, but that same could be redeemed at the offices of said respondent Company.

No. 636.

G. LOUIS McFETRIDGE vs. ALLEGHENY VALLEY STREET RAILWAY COMPANY.

Complaint was filed concerning the use of powerful head-lights by respondent Company in the operation of its trolley cars on the Freeport and Tarentum road during the night time because people travelling on this road, by automobile or other vehicle, when approaching the street cars from the opposite direction, are so blinded by these powerful lights that they are unable to see the road.

The Commission, after full investigation, advised the complaintant that in view of all the circumstances it did not feel warranted to make a recommendation, and dismissed the case.

No. 637.

B. U. TAYLOR COMPANY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Complaint was made regarding alleged excessive switching charges on shipmen from Buffalo, New York to Norwich, Pennsylvania, via Keating Summit.

The Commission advised complainant that as the point of origin of the shipment was in the State of New York, even though the switching was done in the State of Pennsylvania, it consistuted an interstate shipment and one not within the jurisdiction of the Commission. The complaint was dismissed.

No. 638.

BOROUGH OF RIDLEY PARK vs. THE BALTIMORE AND AND OHIO RAILROAD COMPANY.

Resolutions filed with the Commission requested that the Respondent Company be compelled to provide adequate means for the protection of the public at all times at Swarthmore Avenue in the Borough of Ridley Park.

The Commission advised the petitioners that it had no jurisdiction in the matter of a railroad crossing the grade at a public highway or street, and therefore dismissed the complaint.

No. 640.

S. M. O. KINNEY vs. JOHNSTOWN TELEPHONE COMPANY.

Complainant stated that he was a subscriber to a telephone on a two-party line at his residence in the city of Johnstown; that formerly a rate of $18.00 per year was charged for said service, but that when a new contract was presented to him for his signature the rate was advanced to $24.00 per year—the respondent claiming that the complainant was a business person.

The complainant also alleged that he maintains no office or place of business, but conducts his business by soliciting from house to house and that the place where he maintains his telephone is his residence.

The Commission, after receipt of answer by respondent, advised that any man who engages in any business at all and yet maintains a telephone at his dwelling, receives there a greater or less number of calls on business and yet that does not make it a business telephone, and because this complainant conducts a business and occasionally receives at his residence business calls it does not warrant the respondent in designating that telephone as a business place, and that unless respondent is able to prove that complainant does regularly conduct his business at his home he should be accommodated at residence telephone rates.

The respondent advised of its intention to comply with the recommendation and ruling of the Commission, and the case was closed.

No. 641.

FRED. C. YINGST vs. UNITED STATES EXPRESS COMPANY.

Complaint was made regarding the failure of the respondent to make delivery of an express package containing young chickens shipped from Clintondale, to Harrisburg, to the residence of the complainant.

The respondent advised the Commission that the residence of the complainant was without the delivery limits of the respondent Company and that complainant was, therefore, under the contract not entitled to free delivery at his place of residence.

As the complainant requested that his complaint be withdrawn, the same was dismissed.

No. 642.

JOHN S. BIESECKER vs. STROUDSBURG AND BUSHKILL TELEPHONE COMPANY.

Complaint was made regarding the refusal of the respondent Company to afford telephone service at complainant's summer residence—same being 2½ miles west of Stroudsburg and off of route of respondent's line.

The Commission, after conference with the respondent, advised the complainant that it would not be warranted in recommending the construction of a line by the respondent for such a distance for complainant's sole accommodation, but that if complainant were willing to construct or pay for the construction of such connection the respondent Company would furnish the service desired.

Complaint dismissed.

No. 643.

FRED SMITH vs. THE PENNSYLVANIA RAILROAD COMPANY.

Claim was made for the loss of a trunk and contents shipped from Donora to Belle Vernon.

The Commission advised the complainant that it was beyond its jurisdiction to entertain complaints involving loss or damage—such matters being ones for the Courts to determine.

Case dismissed.

No. 644.

LEWIS R. HASPEL vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complainant purchased a ticket of the respondent Company, good for one first class passage from Huntingdon Street Station, in the city of Philadelphia, to Green Lane and return. On the return trip he was delayed from thirty to forty minutes at Perkiomen Junction, awaiting train service. He boarded a way train of the respondent Company, the first one stopping at that junction point; the train passed over a road located on the western side of the Schuylkill River and, as Huntingdon Street Station is not on that route, he was obliged to go to the Reading Terminal, an extra fare of 17 cents (10 cents of which was excess) having been collected to that point, the conductor having informed him that this ticket, on the train upon which he was travelling, was only good to 31st Street and Girard Avenue. From the Terminal he was obliged to pay regular fare back to Huntingdon Street Station. He further averred that the respondent Company's time-table showed that nearly all the trains going into the city were marked to proceed by the route taken by the way train upon which he rode, and contended that this fact evidenced want of good faith on the part of the respondent Company in selling the ticket complained of, by reason of which fact the respondent Company should have carried him to the Terminal and thence back to Huntingdon Street Station without extra charge.

Complainant advised the Commission of his desire to withdraw the complaint, as the matter had been satisfactorily adjusted and the schedule rearranged.

No. 645.

JOSEPH JOSEPH AND BROTHERS COMPANY vs. PENNSYLVANIA COMPANY.

Complaint was made respecting demurrage charge of $7.00 on a car shipped from Reading to 10th Street, Pittsburgh, and consigned to the order of Joseph Joseph and Brothers Company, in care of Brown and Company, it appearing that, by a misunderstanding, said car was delivered at Penn and 10th Streets, Pittsburgh, whereas said car should have been delivered at 10th Street, South Side; that through erroneous information received by the complainants demurrage charges accrued.

The respondent advised that there is no station in Pittsburgh by the name of 10th Street Station, but that a station is located between 10th and 11th Streets, fronting on Penn Avenue, and is officially known as Penn Street Station. Locally it is frequently termed as 10th Street Station. That as mistake was made by respondent's agent they were willing to make a refund of $5.00.

Case closed.

No. 649.

WEBSTER M. PROWELL vs. VALLEY TRACTION COMPANY.

Complainant alleged excessive charge on shipment of two pigs from Carlisle, to New Cumberland.

The Commission advised the complainant that there is no statutory rate for the carriage of live stock on trolley cars in this State, and it is only natural to suppose that the charges would be higher than for the carriage of passengers.

The Commission, however, was willing to grant a hearing in the matter, provided that complainant was prepared to substantiate the charge that rate paid was excessive and unreasonable.

As complainant failed to prosecute the complaint the same was dismissed.

No. 650.

JOHN P. SULLIVAN vs. BESSEMER AND LAKE ERIE RAILROAD COMPANY.

Complaint was made regarding the collection of excess fare, amounting to 90 cents, on a trip from Erie to Grove City.

The respondent, upon notice of the above complaint, advised the Commission that the extra fare had been an error and that the matter had been satisfactorily adjusted.

Case closed.

No. 651.

C. M. ENGEL vs. CARBON TRANSIT COMPANY.

Complainant alleged that the rate of fare charged by the respondent Company from Mauch Chunk to Flag Staff was excessive.

After an investigation of the rates complained of, the Commission advised the complainant that it did not consider the rate of fare excessive, and dismissed the complaint.

No. 652.

RALPH A. GUTH vs. ALLENTOWN AND READING TRACTION COMPANY.

Complaint was made regarding the right of the respondent Company to charge different rates of fare at different seasons of the year between Allentown and Wescoesville.

The Commission advised the complainant that there is nothing illegal in the action of the transportation company charging different rates of fare at different seasons of the year, as it is especially common for them to charge lower rates of fare during the summer excursion season than at other times.

Case dismissed.

No. 653.

JOSEPH JOSEPH AND BROTHERS COMPANY vs. PITTSBURG AND LAKE ERIE RAILROAD COMPANY.

Complaint was made against the demurrage charges accruing on two cars of scrap iron on the Baltimore & Ohio Railroad tracks.

Investigation disclosed that these cars were originally consigned to Bessemer and then rebilled to the Pittsburgh Steel Company; that the delivery of these cars was refused by the respondent on account of the accumulation of cars undelivered, and placed an embargo on the same. The complainants claimed that Bessemer being an intermediate point no demurrage should have been charged. The Commission, however, advised the complainants that the first destination of the cars being Bessemer it was not an intermediate point and, therefore, demurrage was correctly charged, and, under the circumstances, a recommendation for refund would not be justifiable.

No. 654.

IN RE CERTIFICATE OF THE RAILROAD COMMISSIONERS OF THE STATE OF PENNSYLVANIA TO THE SECRETARY OF STATE FOR THE STATE OF MAINE.

Application was made to the Commission to grant a certificate, as required under the laws of the State of Maine, to authorize the Northern Pennsylvania Railroad Company to sell bonds within said State.

The Commission, after hearing and taking testimony in the City of Philadelphia, granted said certificate.

No. 655.

GEORGE B. MOORE vs. BALTIMORE AND OHIO RAILROAD COMPANY.

Complainant alleged that the location of the freight station at Rockwood, Somerset County, was very dangerous and inconvenient; that said station was situated within a small triangular yard surrounded by a river, creek and high embankment with only one wagon approach which crosses six or seven tracks.

Upon advice from complainant that the respondent had promised to improve facilities at that point, the complaint was withdrawn.

No. 656.

M. A. DETWILER vs. EAST BROAD TOP RAILROAD AND COAL COMPANY.

Complaint was made on the charge assessed for the transportation of a runabout, knocked down and crated, from Mt. Union to Three Springs.

Examination revealed the fact that the shipment in question originated in Chicago, and that respondent, on description of shipment and the manner in which the same was packed, as furnished by connecting carrier, applied a rate of 48 cents instead of 36 cents, which respondent was ready to refund.

Case closed.

No. 657.

JOHN H. JACKSON vs. SLATE BELT ELECTRIC STREET RAILWAY COMPANY.

Complainant alleged that the operating condition of respondent Company's road was very bad; that the ties in the road were in rotten condition, and the track so rough it was almost a hardship to ride in the car, calling particular attention to a large wooden trestle between Belfast and Nazareth.

As complainant advised that he did not feel disposed, for personal reasons, to have his name connected with the proceedings he was informed that unless some responsible person was secured to represent the complainant, the Commission would have to ignore complaint.

Case closed.

No. 658.

AUTOMOBILE CLUB OF DELAWARE COUNTY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Complainant alleged that the crossing at Felton, on the line of said respondent Company, was of very dangerous character.

The complainant was advised that while the Commission had suggested to the last two Legislatures the passage of a law giving them jurisdiction in matters of this kind, the Commission at the present time had no jurisdiction over crossings by railroads or railways over public roads or highways.

Case closed.

No. 659.

F. W. HUGHEY vs. PITTSBURG RAILWAYS COMPANY.

Complainant alleged that the operating conditions at the Thornburg terminus of the Crafton & Thornburg line of respondent Company were unsafe and inconvenient, owing to the fact that neglect of the respondent Company to keep in repair the bridge over its line leading into Thornburg prevented the operation of cars thereon.

Respondent advised that its revenue from the line in question did not warrant the expense which the reconstruction of this bridge would involve; and if complainant insists that the respondent Company reconstructs said bridge, it would be compelled to abandon its operations at this point.

Complainant failed to file any comment upon the answer of respondent, and case was dismissed.

No. 660.

RICHARD HECKSCHER AND SONS vs. PENNSYLVANIA RAILROAD COMPANY.

Complaint was made to demurrage charge, due to bunching of cars in transit, on shipments of coke from Ifield to Swedeland.

The complainant was advised that the demurrage rules now in effect were framed by the National Association of Railway Commissioners and it is not within the power or jurisdiction of the Commission to amend these rules. If, however, complainants desire to file a specific complaint a time would be fixed for a hearing.

As complainant advised that it was only their intention to call the attention of the Commission to what they considered the shortcomings of the rules that they might be eliminated, case was closed.

No. 661.

CORRY HIDE AND FUR COMPANY vs. ERIE RAILROAD COMPANY.

Complainant alleged that an overcharge of 49 cents was made on a consignment of hides from Avella to Corry.

Respondent advised the Commission that they would make a refund upon the presentation of the original freight bill.

Complainant later advised that a voucher covering the amount of overcharge had been paid.

No. 662.

C. C. TRESSLER vs. THE PENNSYLVANIA RAILROAD COMPANY, PHILADELPHIA AND READING RAILWAY COMPANY.

Complainant alleged that an excessive rate was charged on a shipment of pea coal from Hunters Station, on the line of the Philadelphia & Reading Railway Company, to the plant of the Sunbury Water Company, on the Pennsylvania Railroad; said rate being 65 cents per ton and a switching charge of 50 cents per ton.

The complainant was advised that unless he were prepared to substantiate his complaint as to the excessiveness and unreasonableness of the charge made, the Commission, in the absence of such proof, would dismiss his complaint.

No. 663.

WILKOFF BROTHERS COMPANY vs. PITTSBURGH AND LAKE ERIE RAILROAD COMPANY.

Complainant stated that the Westinghouse Air Brake Company loaded a car from one of their Pittsburgh District Shops with scrap turnings which complainant had shipped to Monessen for the Pittsburgh Steel Company, and that the material was

purchased subject to a sight draft and an under-shipment made, that the car stood on the track for a few days until the draft was presented to complainants with the bill-of-lading. Just as soon as draft was received complainants found that the Agent had made an error in the rate, as he had inserted in the rate column $1.10 per gross ton instead of 70 cents. While the matter of the rate was being taken up with the proper authorities for correction an embargo was placed on the Pittsburgh Steel Company, and when the rate was staightened out the Agent at Monessen refused to recognize complainant's orders on account of the embargo.

The complainant was advised that as the original shipment was made to complainants own order and as it was not until after the embargo was laid that directions for re-shipment to the Pittsburgh Steel Company were given, the Railroad Company is not at fault in regard thereto, for until the order was given for re-shipment the Railroad Company would not know who the ultimate consignee would be.

No. 664.

BERKEBILE LUMBER COMPANY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Complainant alleged that respondent Company refused to deliver cars from the junction of the Pittsburg, Westmoreland & Somerset Railroad to its yards at Somerset, a distance of about one mile, on a regular switching rate basis, but charged them the regular lumber rate of 75 cents per ton.

Respondent advised that the distance in question was two miles instead of one mile and could not therefore properly be placed on a switching rate basis; alleging, on the contrary, that its regular lumber rate of 75 cents per ton was a just and reasonable charge for such a movement.

Complainant failed to make replication to said answer, and complaint was dismissed.

No. 666.

WALTER T. BRADLEY COMPANY vs. PHILADELPHIA AND READING RAILWAY COMPANY.

The complainant alleged that, owing to the work of elevating the railroad on 9th Street, in the City of Philadelphia, they were deprived of the use of their siding and were compelled to have their goods delivered at other sidings which necessitated a long haul and at a great expense; also making it impossible to comply with the rules of the Car Service Bureau thereby accruing demurrage charges.

Complainant was advised that demurrage rules now in effect were formed by the National Association of Railway Commissioners, and it is not within the power or the jurisdiction of this Commission to amend those rules. The other shippers in the

same vicinity were put to the same inconvenience during the time of these improvements; that if it is the desire of the complainant to present a formal complaint against this charge Commission will appoint a time for a hearing and make a formal determination in the matter.

As complainant failed to further prosecute complaint, the same was closed.

No. 667.

BUSINESS MEN'S ASSOCIATION OF MILTON, PENN'A vs. LEWISBURG, MILTON AND WATSONTOWN PASSENGER RAILWAY COMPANY.

Complaint was made regarding the advance of fare from 5 cents to 10 cents from Milton to Lewisburg and from Milton to Watsontown, also regarding the issuance of trip books, costing 5 cents from Milton to Watsontown and 7 cents from Milton to Lewisburg, if they were used at certain hours of the morning and evening; said books also being good on Saturday on cars leaving Milton at 1:00 o'clock, going both directions, either to Lewisburg or Watsontown, but refusing to accept said books on cars leaving Watsontown or Lewisburg at the same time.

The complaintants protested against this alleged discrimination as it takes the wage-earners, who come to Milton to work, out of the town before they have time to do their shopping.

The respondent, in answer, advised that these rates were put into effect for the benefit of a large number of people residing in Watsontown and Lewisburg who were employed in the mills, factories and stores at Milton; that the same courtesy was not extended on the cars leaving Lewisburg and Watsontown at the same hour, for the reason that there were very few people living at Milton employed in these two towns.

The complaintants were advised that if the answer of the respondent did not satisfy their complaint, the Commission would appoint a time for hearing, but as complaintant failed to further prosecute the complaint, the same was closed.

No. 668.

COMPLAINT OF FEATURE AMUSEMENT ENTERPRISE COMPANY.

Complaint alleged an overcharge, due to failure to deliver money order telegram sent from Pittsburgh to Harrisburg.

As complainant failed to furnish additional information regarding the name of the respondent, together with the date of transmittal, complaint dismissed.

No. 669.

WILLIAM H. MAZURIE vs. PITTSBURG RAILWAYS COMPANY.

Complainant alleged that rate of fare from McKeesport to Pittsburgh, on the line of the respondent company, was unjust in view of the fact that by travelling by one route the fare was 15 cents whereas by another the fare was 20 cents.

Respondent, in its answer, averred that no injury was done complainant in view of the fact that there were three accessible routes from McKeesport into Pittsburgh by which complainant could travel for 15 cents,—the fourth route being by a round-about course covering a greater distance upon which the fare charged is 20 cents.

Complainant was forwarded copy of the answer for comment and in view of the fact that he made no replication thereto the Commission adjudged the explanation of respondent satisfactory, and the case was closed.

No. 670.

CITIZENS' OF FISHING CREEK VALLEY vs. PHILADELPHIA AND READING RAILWAY COMPANY, and THE PENNSYLVANIA RAILROAD COMPANY.

Petition was filed asking a change of grade crossing of a public road at Fishing Creek Valley, Dauphin County, over the lines of the respondent company's road.

The petitioners were advised that the Commission has no jurisdiction over the crossing of highways or streets by railroads, and therefore dismissed the complaint for want of jurisdiction.

No. 671.

MATHIEU BROTHERS COMPANY vs. NORTHERN CENTRAL RAILWAY COMPANY.

Complainant alleged that on account of the failure of respondent company to properly ventilate cars on a shipment of eggs two-thirds were spoiled, rendering the same unfit for market.

After taking the matter up with the respondent, Commission appointed a hearing to be held in Philadelphia, but complaint was discontinued at the request of complainant.

No. 672.

THE ALLENTOWN PORTLAND CEMENT COMPANY vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complainant alleged that the rate on Portland cement, from Evansville Station to Philadelphia, a distance of 69.2 miles, of $1.35 per net ton was excessive, as compared with the rate on the same commodity from Martin's Creek, N. J., to Philadelphia, a distance of 91.1 miles, which is $1.10 per net ton.

The respondent, in answer, averred that the rate of $1.35 per ton from Evansville to Philadelphia is no greater than the rate charged upon like shipments from other cement manufacturering points in Pennsylvania to Philadelphia; and also that the rate from Martin's Creek, N. J., as well as from other cement manufacturing points to all its Philadelphia deliveries is not less than $1.35 per ton, and that by reason of this fact said rate is neither unjust, unreasonable, discriminatory nor unlawful.

A copy of the answer was sent to complainant with the advice that if the same was not satisfactory a time and a place for a hearing would be appointed by the Commission, but as complainant failed to further prosecute complaint, same was closed.

No. 674.

HOWARD E. HECKLER vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made regarding the refusal of respondent to sell a round-trip ticket over its line and connections between Lansdale and Scranton.

Respondent, in its answer, denied any duty imposed upon it by law to establish joint excursion rates with its connections for return trip tickets, and averred that it had the right to sell excursion and commutation tickets at special rates from such centers of travel as furnished traffic sufficiently heavy to warrant the establishment with connections of joint through excursion rates for return trip tickets; that the demand for such tickets as complained of was not sufficient to justify the establishment of said rates.

The Commission called the attention of the complainant to the answer of the respondent, and to the apparent lack of any authority conferred by the Act creating the Commission authorizing it to establish joint rates, but advised the complainant that if a hearing were desired the Commission would hold the same.

As the complainant failed to further prosecute his complaint, it was dismissed.

No. 676.

MATTHEW SMITH AND LEONARD JOHNSON vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made that without notice to the commuters, holding monthly tickets, the train leaving Ivyland at 5:43 A. M., and due at the Reading Terminal at 6:44 A. M., was to be taken off and the first train on this Division would not reach the City until 7:50; that residents along this Division, who were forced to reach the city by 7:00 o'clock, must give up their business or move their homes.

The complainant advised that after a discontinuance of two days the train in question had been restored and asked that his case be withdrawn.

No. 677.

CHRISTIAN F. QUADE, et al. vs. COLUMBIA AND PORT DEPOSIT RAILROAD COMPANY.

Complaint was made of the proposed removal of the railroad station at McCalls Ferry to another point on the line of the railroad about three-quarters of a mile south, or below, its present location.

The complainant was requested to file more specific information, showing the demand for the retention of the station at present location, but as he failed to prosecute complaint, same was closed.

No. 678.

J. C. McMILLER vs. BUFFALO AND LAKE ERIE TRACTION COMPANY.

Complainant alleged that respondent company failed to enforce the regulation prohibiting passengers from riding on the front platform of trolley cars.

Respondent advised that necessary instructions had been issued to rigidly enforce the regulation, and case closed.

No. 679.

BOROUGH OF MANHEIM vs. PHILADELPHIA AND READING RAILWAY COMPANY.

A complaint from the Borough of Manheim alleged that, at various times, the street crossings in that borough had been blocked by trains of the respondent, contrary to an ordinance of the borough, and averred, specifically, that Train No. 43 blocked a crossing for a period of 26 minutes on Wednesday June 7th, 1911, seriously impeding travel.

In its answer, the respondent averred: that strict orders had been issued to employees forbidding the unlawful obstruction of highway crossings; that no definite information had been received by it as to the specific instance named in the complaint; that it is, at all times, ready and willing to co-operate with the municipal authorities to secure the enforcement of its rules and regulations, as well as all provisions of the law of the Commonwealth respecting the obstruction of highways and would take every precaution to see that the matter complained of would not occur again.

The Commission, assuming that this satisfactorily covered the cause of the complaint, closed the case.

No. 681.

J. T. STIMAUL vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that his daughter was a passenger on the train which left Pittsburg at 9:40 A. M., July 1st, 1911, and that she was unable to secure a seat in either the Pullman or day coaches, and with other passengers was obliged to remain in the aisle of the car the whole distance to Baltimore, Maryland.

Respondent advised that an influx of passengers about leaving time overcrowded the seating capacity of the coaches, the Station Master considered the advisability of adding an additional car, but, rather than delay the train further, allowed it to proceed as made up. In this he used poor judgment and his attention has been called to this complaint and the necessary instructions given to prevent a repetition. At Altoona an additional car was added which afforded sufficient accomodations for all passengers.

A copy of the answer was sent to the complainant and the case closed.

No. 682.

MASKELL EWING vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complainant alleged that he was overcharged on return trip tickets from Eaglesmere to Philadelphia, he having purchased two excursion tickets from Norristown to Eaglesmere,—Norristown being seventeen miles shorter distance than Philadelphia, and the rate of fare for excursion tickets from Philadelphia to Eaglesmere being the same as from Norristown to Eaglesmere.

Complainant was advised that when he purchased tickets at Norristown to Eaglesmere and return to Norristown it was a contract between him and the Railroad Company, and therefore the Railroad Company was not required to carry him the additional distance between Norristown and Philadelphia even though the rates between Philadelphia and Eaglesmere and Norristown and Eaglesmere were the same.

No. 684.

J. F. ZIEGENFUSS vs. PHILADELPHIA AND READING RAILWAY COMPANY.

The complainant and other milk dealers in the City of Philadelphia stated that, owing to the refusal of the respondent Company to install refrigerator cars for the shipment of milk, they had been subjected to serious loss, as the milk, while shipped at a proper temperature, was delivered in the City of Philadelphia at a temperature above that which the health authorities of that city permitted.

A hearing was held at which complainants and respondent were represented, and the Commission filed the following opinion:

> "Inasmuch as it has been developed in the hearing just concluded in this case that the respondent contends that refrigeration of milk in transit within sixty miles of Philadelphia is unnecessary if the milk be properly and adequately cooled before shipment; that refrigeration in transit may increase the transportation charges which the producer or shipper uniformly pays: and that, so far as the producers or shippers have advised the respondent of their attitude in the matter, it is almost entirely in opposition to such refrigeration; so that it thus appears that the producers or shippers, who, are not parties to this proceeding, may be primarily and principally affected by any recommendation made by the Commission, the Commission regards it as just and fair, if not indeed absolutely necessary, for any proper determination of the case, that they should be cited to appear and be given an opportunity to be heard before any recommendation is made. The delay that this will occasion can hardly be regarded as serious in view of the facts that the summer season (during which the greatest necessity for any refrigeration exists) is already far advanced, that there is no evidence before us that, notwithstanding the very considerable quantity of milk condemned and destroyed, there is any lack of an adequate supply for the use of the public, and, also, of the conten-

tion of the respondent that it will take considerable time for it to provide equipment for such refrigeration if it is required to do so. It must be remembered, too, that it was not until July 21st last that the Commission received this complaint. Every effort will be made, however to avoid any unnecessary delay.

"The whole purpose of this proceeding is to obtain an adequate supply of pure milk for the citizens of Philadelphia, not only for the present but also in the future, and it is necessary therefore, to ascertain where the responsibility for any failure in this respect rests, whether with the producer or shipper, or with the transportation company, or both. The transportation company is already a party and has been heard, and in that hearing has endeavored to make the producer or shipper responsible. The producers or shippers are not parties to this proceeding and have had no opportunity to be heard, and it is to afford them such opportunity that the course now taken has been adopted.

"It is, therefore, directed that the Secretary of this Commission forthwith notify the producers or shippers of milk on the lines of the respondent, within a radius of approximately sixty miles of the City of Philadelphia, that they may and are requested to intervene in this proceeding, either individually or in combination, or by any organization they may maintain, or in all such manners, as they may elect, and to file their answers, statements or similar pleadings, stating therein specifically their attitude on the question involved and whether or not they desire to appear before and to be heard by the Commission, either in person or by counsel. The responses to this notice to be made within ten (10) days after the receipt of the notice."

Subsequent to the call for another hearing and prior to its being held, a communication was received from the respondent stating that, commencing with the heated term of the summer 1912 and thereafter, refrigerator cars would be placed in service for the transportation of milk.

Case closed.

No. 685.

J. W. TOWER vs. BESSEMER AND LAKE ERIE RAILROAD COMPANY.

Complainant alleged that excessive rate of fare was charged by the respondent Company, between Greenville and Erie.

The complainant alleged that because of his failure to purchase a ticket from the Agent at Greenville the conductor collected from him, on the train, $1.60 for his passage to Erie; that the regular rate of fare between those two points is $1.24.

The respondent in its answer set forth that its justification for said charge was to compel patrons to purchase tickets at stations where ticket agents were installed, in order to relieve the conductors from the collection of fares on the train, and also to have a sufficient check upon the conductors.

The Commission, after an examination, advised the respondent that the uniform practice of the railroads of this State, in similar cases, is to make an excess charge of 10 cents and to give the passenger a receipt therefor, which upon presentation at any office of the company calls for a refund of the amount so paid, and the Commission recommended that a refund of the amount of the excess fare extracted in this case be made to the complainant and that hereafter, under similar circumstances, respondent adopt the practice heretofore stated as in vogue on other roads, and exact an excess of only 10 cents, for which they give a receipt, and which amount is to be refunded upon presentation of that receipt at the offices of the company.

Case closed.

No. 686.

J. E. DIXON vs. PITTSBURG RAILWAYS COMPANY.

Complainant alleged that, after boarding a Homewood car in the city of Pittsburgh, he discovered that same was bound for the car barn, and it became necessary to transfer to another car at that point. Failing to secure a seat in latter car he requested a transfer or the return of his fare, which was refused.

Commission advised complainant that it failed to discover, from the circumstances presented, any practical method for securing redress.

Case dismissed.

No. 689.

McILVAINE BROTHERS vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complainant petitioned for the establishment of siding facilities upon spur track of respondent company, running between 15th and 16th Streets, on Hamilton Street.

Respondent advised that the estimated cost of construction to complainant's plant was out of proportion to the amount of business to be secured thereby; further that it could not permit the spur track in question to be used as a delivery track in view of the fact that said piece of track must be kept open for the proper distribution of freight in that vicinity.

After receiving copy of said answer complainant filed no further comment thereon, and case was closed.

No. 690.

HOWARD R. MOYER vs. UNITED STATES EXPRESS COMPANY.

Complainant alleged that excessive charge was made on a twenty quart tub of ice cream shipped from South Bethlehem to Quakertown, the rate on same being 50 cents.

Respondent advised that the correct rate on ice cream between the points mentioned was 50 cents per hundred pounds, which was the minimum rate on this class of traffic in Pennsylvania and for all interstate shipments; that the classification provides that a tub containing five gallons or twenty quarts must be charged

for on a basis of one hundred pounds. Said rate and classification are regularly posted at the offices of respondent Company. The advance in rate from 40 cents to 50 cents was made because the lower rate was found unprofitable.

Commission forwarded copy of answer to complainant and advised that the actual distance which materials of that kind are carried is not a controlling factor in the determination of the rate.

No. 691.

L. L. DETWILER vs. ADAMS EXPRESS COMPANY.

Complainant alleged he was improperly charged on two shipments of goods from Huntingdon to Three Springs.

From the receipts filed with the Commission it was observed that mistake was made by the Agent of respondent Company.

Complainant was requested to take up complaint direct with respondent, and as he advised refund had been made, case was dismissed.

No. 692.

MILTON FAIR AND NORTHUMBERLAND COUNTY AGRICULTURAL ASSOCIATION vs. PHILADELPHIA AND READING RAILWAY COMPANY.

The complainants alleged they were discriminated against in the matter of granting excursion tickets during the week of the Milton fair,—said excursion rates being granted by respondent to like fair associations.

The respondent advised that it was neither their policy or practice to sell excursion tickets to county fairs having an attendance substantially similar to that of the Milton Fair; that the rate on excursion tickets to Allentown and Trenton fairs are justified by reason of the large attendance at and heavy travel attracted by said fairs, which reasons do not exist in cases of fairs similar to that of complainant.

As complainants failed to prosecute complaint further, case closed.

No. 693.

WOLF AND SHULTZ vs. PHILADELPHIA AND READING READING RAILWAY COMPANY.

Complainent alleged excessive switching charge on grain from their warehouse located at Lewisburg, to the Buffalo Flour Milling Company, three and one-half squares away,—said charge being $7.50 per car; that said rate was excessive when compared with charge for similar haul.

Respondent advised that the movement complained of are in every respect similar to a new shipment from one station to another and the charge of 25 cents per ton, under all circumstances, is not excessive.

The complainant was advised that the Commission does not feel warranted in adjudging the charge complained of as unreasonable, but that if complainant desires a hearing the same will be granted.

As complainant failed to further prosecute complainant, the same was closed.

No. 694.

W. I. MATTER vs. NORTHERN CENTRAL RAILWAY COMPANY.

Complaint was made alleging that the advance in the rate of freight on ice cream from Millersburg to Lykens, from 9c. per hundred pounds to 36c. per hundred pounds, was unwarranted and excessive. Further that complainant had not been duly notified of such advance, from which fact a claim was made for refund to the amount of $11.49.

Respondent in its answer alleged that its classification, or tariff, made no provision for rates on ice cream, and inasmuch as it did not consider this a safe commodity to carry by freight service, instructions had been issued to discontinue accepting it for shipment.

Investigation developed that the agent increased the rates without proper authority and without due notice to the shipper, and in consequence thereof the refund requested was ordered by the Commission to be paid. Subsequently the Railroad Company advised the Commission of its intention to abandon the practice of carrying ice cream by freight; consultation was held regarding this phase of the complaint and an amicable agreement was reached to the effect that this commodity would be carried as freight only on mixed trains.

No. 695.

F. McGINNESS vs. THE PULLMAN COMPANY.

Complainant alleged that he purchased section on car of Respondent Company from Oil City to Philadelphia and that conductor resold said section to three persons between Corry and Kane.

Respondent advised that it was an error on the part of the conductor of the car and that the employees involved have been duly disciplined.

Case dismissed.

No. 698.

S. L. EVANS vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complainant alleged that a refund should be made for cash fare paid between Ambler and Philadelphia on a day which complainant had neglected to take monthly ticket with him.

Complainant was advised that the Railroad Company was entirely within its right in demanding and collecting cash fare on the occasion complained about; that on subsequent occasion the conductor could not be required to refund the money previously collected, and in lieu thereof accept complainant's monthly ticket.

Case closed.

No. 699.

M. DYER vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made alleging discrimination from the fact that the rate on carbide from Harrisburg to Winfield, was higher than that from Harrisburg to West Milton.

Complainant failed to respond to the Commission's request for more specific information, and case was dismissed.

No. 700.

PAINE & COMPANY, LIMITED vs. WILKES-BARRE, DALLAS AND HARVEYS LAKE RAILWAY COMPANY.

Alleging that the rate of $2.00 for the transportation of two barrels of dust oil from Wilkes-Barre to Harveys Lake—a distance of 20 miles—was excessive, complaint was made to the Commission.

The complainant was advised that the Commission does not have the power to fix rates but only to determine the reasonableness of the same after due consideration of the circumstances involved, and requested complainant to file a more specific complaint. As this was not done the case was closed.

No. 701.

L. H. HEIST vs. THE PENNSYLVANIA COMPANY.

Complainant averred that an excess fare of $6.00 had been improperly collected from three passengers on train No. 25, between Philadelphia and Pittsburgh.

An investigation developed that the passengers had tickets to a point of destination on the Pacific Coast; that train No. 25, upon which they were travelling, was an extra fare train between Pittsburgh and Chicago; that the filed tariff of the respondent company provides, that when passengers on an extra fare train stop off at an authorized stop-over point the amount of extra fare will be refunded on application to the agent at that point, provided no extra fare is in effect between the points the extra fare train is used; that train No. 25 was not an extra fare train between Philadelphia and Pittsburgh; that application was not made to the agent at Pitsburgh, the stop-over point, for the refund of the extra fare paid.

The complainant was advised that it was perfectly proper for the respondent company to make a charge for passengers holding tickets for points west of Pittsburgh, so that the conductor would be certain of the fares even if they left the train at Pittsburgh instead of continuing further, as their tickets entitled them to do, and was requested to furnish proofs that the passengers did leave the train at Pittsburgh, as was necessary to secure a refund.

The proofs requested not having been furnished the case was closed.

No. 703.

RESIDENTS OF CROSBY vs. THE PENNSYLVANIA RAILROAD COMPANY.

A petition was filed, asking for the erection of a station for the accommodation of passengers and freight at Crosby, on the line of the respondent company's road.

The respondent advised the Commission that a building of suitable character for this purpose would be erected, and as this satisfied the petitioners the case was closed.

No. 704.

W. E. GARDNER vs. CUMBERLAND VALLEY RAILROAD COMPANY.

Complainant purchased a monthly commutation ticket between Chambersburg and Greencastle—good for 54 trips—for $6.00. He used 12 trips and desired to pay for the same at the rate of 28c. each way, the first-class fare between those points, and asked that a refund be made on the difference, to wit: $2.64.

The complainant later advised the Commission that respondent had notified him of their willingness to make said refund, and therefore withdrew his complaint.

No. 705.

L. A. SKINNER, et al., vs. THE PENNSYLVANIA RAILROAD COMPANY.

Petition was filed alleging inadequate and insufficient station facilities at Templeton.

Respondent advised of their intention to improve conditions at that point as soon as desired property had been vacated; and later reported that action had been taken toward the erection of said station.

Case closed.

No. 708.

FRANK W. STANTON & COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that on a car of peaches and apples, shipped from Ledy Station to Philadelphia, the weight on the original freight bill was 11,840 pounds of peaches and that they were charged for 15,000 pounds at the rate of 35c. 15,000 was the minimum car weight. In addition they were charged a local rate of 30c. per one hundred pounds on the apples; they objected to the bill, claiming that after they had been charged a minimum carlot weight on peaches it was unreasonable to charge on some 10,250 pounds of apples, the local rate of 30c., the carlot rate on apples being 23c. per one hundred pounds; that they should only be compelled to pay carlot rate on apples in excess of 15,000 pounds of weight.

The respondent advised that the freight bill was made in error and that a proper settlement would be made on corrected bill.

Case dismissed.

No. 709.

RESIDENTS OF GENESEE vs. BUFFALO AND SUSQUEHANNA RAILROAD COMPANY, NEW YORK AND PENNSYLVANIA RAILWAY COMPANY.

A petition was filed requesting the erection of a new station at Genesee, alleging that the present station was inadequate for the accommodation of freight and the traveling public.

Owing to the fact that the Buffalo and Susquehanna Railroad Company of respondent was in the hands of a receiver, the Commission advised the petitioners that until such receivership was dissolved the Commission was without jurisdiction.

Case dismissed.

No. 710.

THOS. KIRK vs. THE PENNSYLVANIA RAILROAD COMPANY.

The complainant alleged that on asking for a ticket for the transportation of the body of his daughter, the Ticket Agent at Ridgway informed complainant that he must also buy a ticket for himself—paying 2½c. per mile—although complainant informed said Agent that he had Pennsylvania mileage, and did not expect any special privileges, having purchased Pullman accommodations; that said Agent informed complainant that he could not travel on the mileage and that ticket was purchased under protest.

Complainant therefore asked that a refund be made for the overcharge.

Before the attention of the respondent was brought to this complaint, complainant advised the Commission that the respondent company had reversed their ruling and had reimbursed him for the overcharge. Case closed.

No. 711.

I. H. STANWOOD vs. LEHIGH VALLEY RAILROAD COMPANY.

Complainant stated that he boarded a day coach of the Black Diamond Express, on respondent company's road, at the Reading Terminal, Philadelphia, for Ithaca, New York; that at South Bethlehem he had to change to the New York section; that it was an all-Pullman train and he was informed that it was the only train that would make prompt and through connections; that in so doing he was charged an excess fare of 95c. to Sayre, and he requested that the Commission have the amount refunded to him.

The Commission, after considering all the correspondence in the matter, advised the complainant that he had misinterpreted what is meant by an extra fare, specified and advertised in the respondent company's folder; that an extra fare is an extra railroad fare, charged by a railroad company over and above its ordinary passenger fare and does not cover the charge made by the Pullman Company fo accommodation in its cars; that the fare paid by complainant for ticket from Philadelphia was sold at the regular rate—being good for passage between the points named but only in the ordinary coaches of the railroad company; and because in making the change at South Bethlehem complainant preferred to take the Black Diamond Express, which was composed entirely of Pullman cars, complainant was necessarily obliged to pay the Pullman fare for accommodation on such cars, which, however, was not an extra railroad fare; that the extra fare paid was not an extra train fare but a Pullman fare, and consequently the Commission did not regard this case as one authorizing a recommendation for any refund, and dismissed the case.

No. 716.

CRAWFORD MUTUAL TELEPHONE COMPANY vs. BELL TELEPHONE COMPANY.

Complainant protested against the methods employed by Respondent Company in securing new business in Conneautville,—said methods being in violation of the recommendations the Commission made in the cases of the Petroleum Telephone Company and the Johnstown Telephone Company against the Respondent Company on May 11th, 1911, concerning the furnishing of free trial service on contracts.

The respondent advised that immediately upon receipt of Commission's decision verbal instructions were given to all managers, in the territories involved, to discontinue the practice of furnishing free service, and that, through an oversight, the local manager at Meadville did not receive such verbal notice; that the Respondent is most anxious to comply strictly with the order of the Commission, and is accordingly not furnishing any free service at this time.

A copy of the answer was sent to complainant and case closed.

No. 717.

JOSEPH A. KEPHART vs. EAST BROAD TOP RAILROAD AND COAL COMPANY.

Complainant alleged that a rate of 3c. per mile was charged for passengers, but that those working for the respondent, at their mines, were carried at a reduced rate.

The complainant was advised that with like accommodations the rates must be the same to all persons, as the railroads, under the law, cannot discriminate; and that, as complainant did not furnish more specific information regarding the case, the Commission could not be more definite.

Case dismissed.

No. 718.

CHARLES RICHARDS vs. READING TRANSIT COMPANY.

Complainant alleged that owing to the proximity of the rails and overhanging of cars insuficient clearance was had between the cars of the Respondent Company.

As complainant failed to furnish additional information and to further prosecute his complaint, the same was dismissed.

No. 720.

JOHN G. KAUFMAN vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complaint was made regarding the refusal of the respondent company to sell half-price commutation ticket from Stenton Station to the Reading Terminal.

The complainant was informed that the respondent issues no commutation half-fare tickets and that the jurisdiction of the Commission extends only to ascertaining whether any specified fare is unreasonable or excessive, and does not directly confer upon the Commission the authority to establish new forms of tickets with rates therefor.

There being no half-fare commutation tickets in existence the Commission does not feel warranted in making any recommendation for the issuance of such tickets.

Case dismissed.

No. 721.

KITTANNING TELEPHONE COMPANY vs. PITTSBURGH AND ALLEGHENY STREET RAILWAY COMPANY.

Complainant alleged that on account of electrolysis in the town of Apollo they had suffered a loss of several hundred dollars by having cable destroyed. This said electrolysis is caused by the Respondent Company operating their plant contrary to the rules and practice of street railway operations, inasmuch as the bond of the rails are in such a condition that it fails to return current to the power house, and the current is therefore operating in a positive condition instead of negative, thereby. causing destruction to cables.

The complainants were advised that the complainant involves no question of public accommodation or convenience, but rather an injury to private rights and is therefore not within the jurisdiction of the Commission.

Complaint dismissed.

No. 722.

BILLINGS AND KELDER vs. DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, and LEHIGH VALLEY RAILROAD COMPANY.

Complainant alleged the rate on hay from New Albany to East Stroudsburg, 18c. per hundred pounds, is excessive as compared with rates from New Albany to points a much greater dtsiance, such as New York, Philadelphia and Baltimore, which are only 15c. per hundred pounds.

Respondents in answer advised that a rate of 15c. per hundred pounds will be made effective on and after January 1st, 1912.

Case closed.

No. 725.

J. E. THURSTON vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that the rate on empty barrels between Wilkes-Barre and Delmatia was excessive.

Respondent advised that the trouble was due to a misinterpretation of the tariffs by the agent at Delmatia and that the matter had been satisfactorily adjusted with the complainant.

Case closed.

No. 726.

M. M. McLAUGHLIN vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made against the refusal of the Respondent Company to allow the complainant to stop over at a point enroute between Lewistown Junction and Duncannon.

The complainant was advised that owing to the contract on the ticket purchased by him reading "for continuous passage" the Commission has no authority to invalidate same and the conductor was perfectly right in refusing to permit a stop-over, and in not accepting it when a stop-over had been made.

No. 728.

ACKERMAN BROTHERS vs. DUNKIRK, ALLEGHENY VALLEY AND PITTSBURGH RAILROAD COMPANY.

Complainant alleged that respondent refused to carry freight offered by them, from Titusville to Torpedo, Warren county.

Respondent advised that Torpedo is a prepay station and that all shipments must not be delivered at prepay stations on account of pilferage and damage from rain, etc., but that arrangements have been made whereby shipments consigned from complainant to the Warren Silica Company at Torpedo will be unloaded—that Company agreeing to assume any loss from pilferage or damage by reason thereof.

As this satisfied the complainant, the case was closed.

No. 729.

CLINTON LYTLE vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that he purchased a ticket at Natrona for Mifflinburg, at a cost of $5.30, and was charged $7.29 for a return ticket between the points named.

On being advised of said complaint, respondent forwarded to complainant check for $1.95—being the amount of overcharge—claiming that the same had erroneously been charged by the Agent at that point.

No. 730.

WILLIAM T. KNIGHT vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complaint was made regarding the service and equipment in general upon the Germantown Division of the Respondent Company.

The complainant was advised that the Commission had just concluded a thorough investigation of the street car service in the City of Philadelphia, and has no doubt that the service will be remedied within a short time, especially in view of the reorganization.

No. 731.

CHARLES W. KIRK vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complaint was made regarding the operation of Pay-Within cars, with the ventilators and front and rear windows on the platforms open, thereby producing drafts.

Complainant was advised that the Commission had just concluded a thorough investigation of the street-car service in the City of Philadelphia and had no doubt that the matters about which he complained would be remedied within a short time, especially in view of the re-organization and re-adjustment which had taken place.

No. 732.

J. H. MUSSER vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made regarding the over-crowding of Train No. 83, between Union Furnace and Altoona.

The complainant was advised by the Commission that, as he had failed to pay his fare and as he had been threatened with prosecution, it would be advisable that he consult counsel. Case closed.

No. 733.

H. I. BRIAN & COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant requested to be advised whether there was any legal objection to the Railroad Company extending siding at Rising Springs Station one hundred and

twenty feet west, for the purpose of unloading coal at complainant's shed, said siding being used as a general delivery siding.

Complainant was advised that the Commission knows of no law preventing the Railroad Company from extending its siding.

No. 735.

JAMES VAN DYCK CARD vs. LEHIGH VALLEY RAILROAD COMPANY.

Complaint was made regarding alleged blocking of the main highway by a freight train at Portland, for the period of twenty minutes, on October 13th.

Complainant was advised that the proper proceeding for redress was before a Justice of the Peace—the Commission having no jurisdiction in the matter of grade crossings.

Case closed.

No. 738.

C. B. LAY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

Complainant alleged that he purchased a ticket over the line of the respondent company from Mt. Jewett to Kane, a distance of 10.8 miles as given in the Official Guide—and for said ticket he paid the Ticket Agent at Mt. Jewett the sum of 50c., making the mileage rate between the two points above-named approximately 4½c. per mile.

Respondent advises that complainant evidently referred to the fare as shown on tariff of the Big Level and Kinzua Railroad, which company was absorbed by the respondent, and when the line was made part of respondent's system and changed from narrow gauge to standard gauge, the respondent, just as soon thereafter as possible, published a new tariff covering this line in which fares were made on a basis of 3c. per mile.

As this satisfied the complaint, the case was closed.

No. 740.

OHIO IRON AND METAL COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made on rate quoted on scrap iron car loads from Burnham, Mifflin county, to Huff, which is a suburb of Greensburg, at $1.80 per gross ton,—the rate of freight from Pittsburgh to Burnham being $1.70 per gross ton, and the rate of freight from Pittsburgh to Huff 70c. per gross ton; that said rate is 10c. per gross ton more from Burnham to Huff, an intermediate point than from Burnham to Pittsburgh.

After taking complaint up with Respondent Company the complainant was advised that a reduction of 10c. per ton had been made from the rate theretofore quoted, and complaint was dismissed.

No. 741.

UNION CHARCOAL COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made against the refusal of the Respondent Company to accept complainant's weights at point of shipment, and deliver bills-of-lading on day of shipment.

Complainant advised that an agreement had been entered into with Respondent Company and therefore withdrew his allegation.

No. 748.

W. R. JONES vs. PHILADELPHIA AND EASTON ELECTRIC RAILWAY COMPANY.

Complaint was made regarding the loss, on shipment, of two cases of shoes from Ferndale to Shamokin, valued at $23.40.

The complainant was advised that as this is a claim for damages, the Commission has no jurisdiction in the premises, as it is a question for the courts to determine.

No. 751.

CHARLES FITZSIMMONS vs. PITTSBURG AND BUTLER STREET RAILWAY COMPANY.

Complainant alleged that he was put to great inconvenience by the failure of the car of the respondent to stop at Bardona Station—a stop scheduled on folder of said Company's road.

The respondent advised that failure to stop was a mistake in judgment on the part of the motorman, as he thought the party was surveying and that the signal given to stop was a professional signal and not intended for him.

As this satisfied the complainant, the case was closed.

No. 755.

EDWARD BAINS vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made because the Respondent Company refused to accept for passage from Carpenter to North Philadelphia a ticket reading from North Philadelphia to Carpenter.

Complainant was advised that this ticket is a contract between the passenger and the Railroad Company by which the respondent, in consideration of the sum paid for the ticket, agreed to carry the passenger from Carpenter to North Philadelphia; that the rules and regulations of the company concerning the acceptance by its conductors of tickets seems reasonable in view of the fact that they have to use these tickets in checking the work of the conductors on the various trains; that this Commission has no authority to invalidate contracts and is of the opinion that the conductor was right in refusing to accept a ticket for passage between Carpenter and North Philadelphia when the ticket specifically stated that it was good for passage in the opposite direction, viz: North Philadelphia to Carpenter.

1910 CASES CLOSED DURING 1911.

430. The Evening Telegraph of Philadelphia, et al. vs. Philadelphia Rapid Transit Company.	In re plant, equipment, insufficient service and financial condition.
450. J. M. Little, et al. vs. Erie Railroad Company.	Petition for train service at Kennard.
456. C. Howard Palmer vs. New York, Susquehanna & Western Railroad Company.	Refusal to erect siding or switch.
463. Cunningham Piano Company vs. The Pennsylvania Railroad Company.	Refusal to erect siding or switch.
498. Citizens of Sugar Grove, Freehold and Pittsfield, in the county of Warren vs. Erie Railroad Company.	Petition for establishment of passenger facilities at Lottsville.
501. Residents of Washington County vs. Baltimore & Ohio Railroad Co. Pittsburgh Railways Company.	Petition for train connections at Finleyville.
503. American Plate Glass Company vs. The Pennsylvania Railroad Company.	Alleged discriminatory rate on grinding sand.
506. Borough of Avis vs. New York Central & Hudson River Railroad Company.	Petition for construction of overhead bridge across yard tracks.
515. Johnstown Chamber of Commerce vs. The Bell Telephone Company.	Discrimination in rates.
516. M. A. Nash vs. Eastern Pennsylvania Railways Company.	Inadequate schedule on Coal Castle branch.

519. Walter F. Leedom vs. The Pennsylvania Railroad Company.	Location of new station.
520. Levan H. Brehm vs. Philadelphia & Reading Railway Company.	Regualtions governing loading of milk.
521. Fred L. Castor vs. The Pennsylvania Railroad Company.	Storage charges on baggage.
522. W. H. Cox & Company vs. Baltimore & Ohio Railroad Company.	Excessive switching charge.
524. Robt. M. Wilfong vs. The Pennsylvania Railroad Company.	Overcharge on wagon shipped from Radnor to Wolfsburg.
525. John F. Miles vs. Lake Shore & Michigan Southern Railway Company.	Passenger train service from towns in western part of Erie county to Erie, Penn'a.
526. Harvey Gourley, et al. vs. Philadelphia & Reading Railway Company.	Location of passenger station and approaches thereto.
527. Citizens of Middletown vs. Central Pennsylvania Traction Company.	In re car service.
528. Elk Tanning Company vs. The Pennsylvania Railroad Company.	Excessive rate, overcharge on shipment of coal.
529. Frank Frohlich vs. Baltimore & Ohio Railroad Company.	Inefficient service on Johnstown and Berlin branches.
530. L. G. Waid vs. Pittsburgh & Lake Erie Railroad Company.	Stopping of Train No. 23 at Woodlawn.

531. M. C. Ihlseng vs. Adams Express Company.	Train connections at Blairsville Intersection causing delay in delivery of perishable express matter.
532. Stockton W. Jones vs. Philadelphia Rapid Transit Company.	Condition of cars, inadequate schedule on line to Doylestown.
533. Citizens of Ulysses, Penn'a. vs. New York Central & Hudson River Railroad Company.	Inadequate station facilities.
534. The Petroleum Telephone Company vs. The Bell Telephone Company.	Alleged discrimination in granting a period of free service to new subscribers.
535. Johnstown Telephone Company vs. The Bell Telephone Company.	Alleged discrimination in granting a period of free service to new subscribers.
536. J. N. Glover vs. Adams Express Company.	Rate on thirty pound can of milk, Vicksburg to Lewisburg.
537. Employees of U. S. Navy Yard vs. Philadelphia Rapid Transit Company.	Service to Navy Yard.
538. Residents of Fairview, York County vs. Northern Central Railway Company.	Erection of passenger station at Marsh Run.
539. W. B. Shinkle vs. Pittsburgh & Lake Erie Railway Company.	Unsafe operations of trains and dangerous approaches to station at Woodlawn, Penn'a.
540. H. M. Fry vs. Reading Transit Company.	Refusal to issue transfers.
541. Peck Lumber Manufacturing Company. vs. Lehigh Valley Railroad Company.	Alleged excessive switching charge.
542. Elton J. Buckley vs. The Pennsylvania Railroad Company.	Method of lighting cars on the Germantown and Chestnut Hill branches.

No. 430.

THE EVENING TELEGRAPH OF PHILADELPHIA, et al.,vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complainants, representing a large number of citizens of Philadelphia, alleged that the service and equipment of the respondent company was inadequate and insufficient.

As a result of said complaints, the Commission secured the services of Messrs. Ford, Bacon & Davis, of New York, experts in investigations of this character, and instructed them to make an exhaustive investigation and report to the Commission upon the completion of their work.

These engineers filed with the Commission their report, a summary of which will be found in Appendix II. Copies of said report were forwarded to the complainants and to the respondent, with the request that they comment on the same.

Complainants advised that they were impressed with both the findings and thoroughness of the investigation and considered the matter satisfactorily adjusted so far as they were concerned.

Respondent company advised that they had purchased 500 cars of a new type, which will be placed in service as soon as completed; that they had increased their organization and secured the services of a recognized expert in street railway management; had enlarged their power plant and had undertaken comprehensive plans for improvement along all lines. With these facilities they will be enabled to make a thorough and intelligent re-routing and increase in the number of cars and afford a much greater percentage of cars in congested districts during the rush hours.

As this improvement in the management and service satisfied the complaints, the case was closed.

No. 450.

J. M. LITTLE, et al., vs. ERIE RAILROAD COMPANY.

Petitioners requested the Respondent Company to provide better train service to and from Kennard, and also erect suitable station accommodations for the care of passengers and freight.

After conference with the Respondent, and an investigation by a representative of the Commission, the Respondent Company advised the Commission of its intention to build the station desired and to stop trains, thereby giving service as desired by said petitioners.

No. 456.

C. HOWARD PALMER vs. NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY, WILKES-BARRE AND EASTERN RAILROAD COMPANY.

Complainant alleged that he was unjustly discriminated against by the respondent company refusing to erect a switch or siding leading to a coal yard at Stroudsburg.

Respondent in its answer advised that, owing to proposed yard improvements which would be interfered with by the erection of this siding, they had refused the request.

The Commission advised respondent that, while it appreciated the interference which said track would make to said yard improvements, it could not see how this could be allowed to interfere with the construction of the desired siding so long as the property remained in the ownership or control of the complainant, unless there was some actual physical impediment in the way of the construction of the siding, which hardly seemed possible in view of the plans submitted by the Railroad Company.

The Commission was inclined to the view that the reasons assigned in respondent's answer for declining to make the connections were hardly sufficient.

The respondent advised the Commission of their intention to erect said siding, and the case was closed.

No. 463.

CUNNINGHAM PIANO COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

A petition was filed requesting the respondent Company to erect a switch or siding into the plant of the complainant, located along the main line of the respondent company at 50th street and Parkside avenue, Philadelphia.

The Commission, after a personal investigation, advised the complainant that it did not seem that the amount of business was sufficient to warrant the Commission asking the Railroad Company to trespass upon their yard room and shop tracks for the purpose of making the connection desired in order to construct the side track, and they would only feel warranted in doing this where the amount of business was substantial in character, which did not appear to be the case with the shipments or receipts that complainant made at its factory.

No. 498.

CITIZENS OF SUGAR GROVE, FREEHOLD AND PITTSFIELD, WARREN COUNTY, PA. vs. ERIE RAILROAD COMPANY.

A petition was filed asking for the establishment of passenger and freight facilities at Lottsville, Warren county, on a branch line known as the Columbus & Erie Branch of the respondent company's road.

After an investigation of all the facts, the complainant was advised that the movement involved interstate traffic, and the authority of this Commission is confined solely to traffic within the State.

No. 501.

RESIDENTS OF WASHINGTON COUNTY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

For Complainants: DAVID M. McCLOSKEY.

A petition was filed asking for train connections at Finleyville; after hearing and consideration of all the facts the Commission filed the following opinion:

> "The petitioners in this case ask that train 706 on the respondent's road, leaving Wheeling, W. Va., at 10:05 A. M., Washington, Penn'a, at 11:04, and due in Pittsburgh at 12:05 P. M., be required to stop at Finleyville, Penn'a, about midway between Washington and Pittsburgh. This demand comes not so much from residents of the neighborhood of Finleyville as from residents of the eastern part of Washington county, and particularly from those living at different points along the banks of the Monongahela river, who in order to get to and from the town of Washington, the county seat, are compelled to use a trolley line between river points and Finleyville, which is their nearest railroad station for Washington. By reason of these facts Finleyville, although of no considerable population, is an important gathering and distributing point, and there is now no train from Washington stopping at Finleyville between 9:05 A. M. and 3:15 P. M. Train 706 is a fast express train making only the Washington stop between Wheeling and Pittsburgh, but at Finleyville it crosses on to a single track and always slows down in so doing. Since it has to slow down at this point and the demand for this service is so strong and persistent, it appears to the Commission that at least a fair test of the volume of travel the stop in question would accommodate should be made. If upon such a test that travel should prove inconsiderable, the Commission will entertain a petition to vacate the recommendation now made, but a period of at least three months should first intervene. We, therefore, make the following
>
> RECOMMENDATION.
>
> "It is hereby recommended that respondent's train No. 706, leaving Washington, Penn'a, at 11:04 A. M., hereafter stop at Finleyville, Penn'a, to discharge and receive passengers."

No. 503.

AMERICAN PLATE GLASS COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

For Complainant: MULLIN & WOODS.
For Respondent: W. I. SHAFFER.

Complainant alleged that a discriminatory rate on grinding sand was charged from Ridgway and Thompson to Kane, as compared with the rate in effect from Kennerdell to Ford City.

After the filing of answer by respondent in which they denied that the rate was unreasonable, a hearing was ordered, but before same was held the complainants advised the Commission of their intention to withdraw the complaint and to discontinue the proceedings thereon without prejudice.

No. 506.

BOROUGH OF AVIS vs. NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

A petition was filed requesting the Commission to secure the right for the construction of an overhead bridge across the tracks of the respondent company's yards from the town of Avis to the shops of said respondent.

The Commission after an inspection by one of its representatives and after a conference with the complainants, secured from the respondent company the right for complainant to erect said bridge under certain regulations, and the case was closed.

No. 515.

JOHNSTOWN CHAMBER OF COMMERCE vs. THE BELL TELEPHONE COMPANY.

A complaint was made that a number of subscribers of respondent company in Johnstown were receiving service under a form of contract which provided that payment for local service should be at the rate of 5c. for each local message sent, with no guarantee or fixed rental for service beyond this charge, and that respondent refused to install a like form of service with complainants.

The respondent advised the Commission that there were at Johnstown approximately 25 subscribers under the so-called 5c. payment plan contract; that these contracts are terminable and respondent does not see how a continuance of the service under them can in any way injure the complainant, but would cancel the contracts upon recommendation of the Commission.

The Commission advised respondent that unless contracts be made with all persons requesting the service, the present contracts should be cancelled, which recommendation was accepted and the case marked closed.

No. 516.

M. A. NASH vs. EASTERN PENNSYLVANIA RAILWAYS COMPANY.

Complaint was made, setting forth that an inadequate schedule was maintained on the Coal Castle Branch of respondent company's road.

The Commission, after conference with the respondent, secured for the complainant the service desired, thereby satisfying the complaint.

No. 519.

WALTER F. LEEDOM, et al., vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made regarding the proposed location of passenger station of the respondent company at Bristol.

The Commission, after a personal inspection and conference with all the parties interested, filed the following opinion:

> "After a careful consideration of this complaint and a thorough personal examination of the locality by the Commission, the Commission is of the opinion that, considering the probable future growth of the town of Bristol as evidenced by the recent census of its several wards, the location proposed for its station by the respondent company will better subserve the interests of the entire community and meet the demands of its further growth than would the location proposed by the complainants.
>
> "It is true that the proposed location is some distance from the present business district of the borough and that the approaches thereto are at present in a very unsatisfactory condition, being unlighted and unpaved and but sparsely built up, but the improvements contemplated and, as the Commission understands, determined upon by the borough authorities in that section of the borough will remedy these matters and very possibly put those approaches in better condition than many other streets in the town.
>
> "So far as trolley facilities in that locality are concerned, since the visit of the Commission there, advice has been received that at least

one of the trolley companies is now seeking authority from the borough to extend or change its line so as to reach the present location of the station.

"Nearly all the recent growth of that borough has been in the northwestern part of the town and in that section alone is there any room for any large growth and it is in this section that the station is proposed to be located. It seems to the Commission that if the station is located as desired by complainants it would not be long, particularly should the borough continue to grow as at present, before there would be a great demand for additional station facilities in the northeastern part of the town, thus necessitating, should this demand be complied with, the construction of and additional station and the maintenance in that borough of two stations, which could hardly well be justified. Indeed, at the informal hearing on this matter at the time of the inspection of the locality by the Commission, such was deemed to be the probable result should the complainants' desire be obtained at this time.

"Another feature respects the operation of the road, as it appears that in the vicinity of the location desired by complainants the respondent is constructing track tanks—that being the proper location for the same, both with reference to the alignment of the road, the proximity of the necessary water supply, and the necessity for furnishing water to respondent's motive power at that point—and the operation of these tanks will be rendered difficult, if not impossible, in connection with the operation of a station at the location desired by the complainants, because of the speed a train has to maintain in order to avail itself of the use of these tanks.

"After considering all these matters and perhaps others of minor importance, the Commission is of the opinion that it would not be justified in recommending the change in the location of the station as proposed by the complainants.

"The complaint is, therefore, dismissed."

No. 520.

LEVAN H. BREHM vs. PHILADELPHIA AND READING RAILWAY COMPANY.

The complainant, a shipper of milk from Boiling Springs to Harrisburg, set forth that the agent of respondent loads all baggage offered but refuses to load milk—compelling the shipper to load milk from the ground or platform, as the case may be, into the baggage car, thereby working an injustice on said shipper, and asks that said respondent company be compelled to load milk into the baggage car as they do all other baggage offered.

The respondent advised the Commission that a general order was issued by the General Freight Agent of the Company, which among other things reads as follows:

> "The rate charged on shipments of milk and cream does not include loading and unloading—shippers will be required to place the filled cans at the car door and the train men will place the same in position in the car."

This has been the rule of the road from February 26th, 1890, and is in force at all stations.

The Commission, after a conference with the representatives of the respondent, secured for the complainant the assistance of the agent and the use of a truck to facilitate the handling of said milk cans—it being shown that it is impracticable to erect new milk platforms at Boiling Springs.

No. 521.

FRED. L. CASTOR vs. THE PENNSYLVANIA RAILROAD COMPANY.

The complainant alleged that he checked a suit case from New Church, Va., on November 19th, to Frankford Station; that he called at said station on the 20th and found the ticket office closed; that on the 21st he sent for said suit-case and was compelled to pay a storage charge of 25c.

Respondent advised that baggage is held free of storage charges twenty-four hours after its arrival, except if received between the hours of noon, Saturday, and noon, Sunday, when it is held without charge until noon Monday. This exception is made in recognition of the fact that Sunday is not a business day, which would make it reasonable and proper to hold baggage without charge until the Monday forenoon following; that the respondent does not consider it reasonable to require that the baggage room be kept open to the public at all hours of the day Sunday to avert a possible storage charge on baggage not called for until the period of free storage had expired on Monday; that the baggage of the complainant arrived at Frankford at 6.21 P. M. Saturday, November 19th, and could have been secured at that time but was not taken away until after the free allowance had expired.

As this answer seemed to the commission to satisfactorily explain the charges. the complainant was notified that his case was dismissed.

No. 522.

W. H. COX & COMPANY vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

The complainant alleged that an excessive charge was made for switching two cars of pitt posts from Van, to Bruceton, West Side Belt Line delivery.

Respondent advised that the shipment in question moved from Van, Penn'a, via L. S. & M. S. Rwy., to Youngstown, Ohio, thence on P. & L. E. R. R. to Pittsburgh, and were delivered by the P. & L. E. R. R. to the West Side Belt R. R., same having been billed, as admitted by complainant, to Bruceton, Allegheny county, Pa., West Side Belt delivery; that the shipments were for the Pittsburgh-Buffalo Company, whose mines are reached only by the tracks of the B. & O. R. R., and the shipments were accordingly delivered respondent by the West Side Belt R. R., and charge made at the published tariff rate of 60c. per ton.

The complainant was advised that the respondent's answer, giving the routing, shows that these cars passed out of the State in the course of transportation. All such shipments are denominated interstate shipments by the Interstate Commerce Commission and the jurisdiction over the same is assumed by that Commission.

No. 524.

ROBERT M. WILFONG vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made alleging an overcharge on shipment of a wagon from Radnor to Wolfsburg.

The Commission, after investigation, advised the complainant that the charge made was in exact accordance with the established rates of classification and dismissed the case.

No. 525.

JOHN F. MILES vs. LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY.

A petition requesting better passenger train service from the towns in the western part of Erie county to Erie, was investigated by the Commission, and the complainants advised that, inasmuch as the Commission was not convinced that there was a demand for the train service asked for as would warrant it in making any recommendation to that effect, the case was dismissed.

No. 526.

HARVEY GOURLEY, et. al., vs. PHILADELPHIA AND READING RAILWAY COMPANY.

Complainants alleged that they were denied the use of a pathway on the right-of-way of the respondent company's road in approaching the Oak Lane Station, and requested the Commission to have said pathway opened, inasmuch as a similar pathway was maintained on the west side of said Station in what is known in the community as Oak Lane.

After taking testimony and making an investigation, the Commission filed the following opinion:

> "In this proceeding Mr. Harvey Gourley, in behalf of himself and others, seeks to compel the Philadelphia & Reading Railway Company to maintain a pathway on its right of way leading from Melrose to the new Oak Lane Station in Montgomery county, Pennsylvania.

"The grounds upon which this end are sought are, First: That such a pathway had been used by patrons of the road for many years prior to the erection of this new station; Second: That a pathway similar to that asked for is now maintained by the respondent on the west side of said station in what is known as the community of Oak Lane; and, Third: That such a pathway would considerably shorten the distance the pedestrian patrons of the road would have to travel in going to said station from the Melrose community.

"The information obtained by the Commission is to the effect that although such a pathway may have been used for a number of years, that it was not so used for a sufficient length of time to give the public any right therein; in other words, that the public obtained no prescriptive right to the same, such having been the determination of one the Common Pleas Courts of Philadelphia in a proceeding between the same parties in which that question was one of the issues. That such a pathway is maintained in the Oak Lane portion of that community is in and of itself no sufficient reason for asking that a similar pathway be maintained in the Melrose section; and in addition to that, it appears from the papers before us including a map of the locality, as well as was determined by an inspection of the ground made by representatives of the Commission, that the detour required by the public highways in the Oak Lane section in order that patrons of the road from that portion of the community may reach the respondent's station, is much greater and more circuitous than it is in the Melrose section. In the Melrose section there is at present a highway leading to the station which, while though not absolutely straight and direct, is yet quite reasonably so and the actual distance that would be saved by the pathway in question over this highway would be only about four hundred feet.

"Such being the situation about this station, it strikes the Commission that a very bad precedent would be established by holding that, where a saving in distance of no more than the number of feet above mentioned can be obtained by a more direct route to a railway station, over property owned or controlled by the railway company, it is encumbent upon such companies to provide such approach, or, in other words, that a railroad company shall dedicate to public use for approaches to its station a portion of its right of way which it has obtained for operation of its lines simply in order to give the public the benefit of four hundred feet in distance in reaching such station. The question presented would be entirely different if the only highway route to the station in question were unreasonably circuitous and it were within the power of the railroad company, on property owned or controlled by it, to provide a safe or more direct route; but such is not this case.

"Melrose is just across the line from the city of Philadelphia. The highway there leading to the station was rebuilt, at least in part, by the respondent company and is a well graded highway with concrete sidewalks and well lighted, and the saving in distance which would be effected by the use of the pathway as above stated, is less than that of a block in the adjoining city.

"Under all the circumstances, therefore, the Commission concludes that the petition of Mr. Gourley should be denied."

No. 527.

CITIZENS OF MIDDLETOWN vs. CENTRAL PENNSYLVANIA TRACTION COMPANY.

Complaint was made regarding service afforded between Harrisburg and Middletown, asking for the restoration of the twenty-minute schedule.

Respondent advised that the twenty-minute service was now being operated and would be continued if the travel warranted. Also, that a conference had been

requested with the Superintendent of the Departments of the Pennsylvania Steel Company, at which works complainant is employed, with a view of re-arranging the schedules.

Copy of said answer was sent to complainant with the advice that he take the matter up with the Superintendent of his Department.

Case closed.

No. 528.

ELK TANNING COMPANY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complainant alleged that an overcharge was made for transportation on a shipment of 115 cars of coal from Tyler, Coalville and Weedville to Instanter and Wilcox; that Ridgway is on the line between the three stations named, to wit: Tyler, Coalville and Weedville and the stations of Instanter and Weedville; that a rate from Tyler, Coalville and Weedville to Ridgway was 55c. per ton while the rate from these three points to Instanter and Wilcox was from 75c. to $1.05 per ton; protest was made to the respondent company that these rates were exorbitant, after which rates were made effective to Instanter of 65c. and to Wilcox of 60c. per gross ton. The complainant requested an adjustment of overcharge, based upon the revised rates, and claimed a refund on 115 cars to the amount of $837.49.

As the respondent admitted that the charges, under the circumstances then existing, were unreasonable and excessive, the Commission approved the refund.

No. 529.

FRANK FROELICH vs. THE BALTIMORE AND OHIO RAILROAD COMPANY.

The complainant alleged insufficient passenger train service on the Johnstown and Berlin Branches of the respondent Company's road.

An investigation by the Commission developed the fact that the said branches were single track and subject to heavy freight traffic, which made unavoidable delays in the passenger service. The respondent, however, signified their intention to make every effort to avoid a recurrence of these delays, and the case was marked closed.

No. 530.

L. G. WAID vs. PITTSBURGH AND LAKE ERIE RAILROAD COMPANY.

Complainant petitioned for the stopping of Train No. 23 at Woodlawn on the line of the respondent company's road.

The respondent, in answer, advised that said Train No. 23 is a limited train between Pittsburgh and Cleveland and does not make local stops at any point along the line, and it would be impossible to make this schedule if it did so. Local trains both before and after the passage of this train afford ample service in the direction desired; that Train No. 11, which is due in Woodlawn about 45 minutes ahead of Train No. 23, is run for the express purpose of taking care of the local business in that district.

As complainant failed to file a replication to the answer of respondent, the case was closed.

No. 531.

M. C. IHLSENG vs. ADAMS EXPRESS COMPANY.

Complaint was made regarding train connections from Pittsburg to Blairsville Intersection, on the main line of the Pennsylvania Railroad, causing delay in delivering perishable express matter to points on the Conemaugh Division.

The respondent advised the Commission that every possible effort would be made to handle perishable consignments on such trains as would make connection at Blairsville Intersection.

As this satisfied the complaint the case was closed.

No. 532.

STOCKTON W. JONES vs. PHILADELPHIA RAPID TRANSIT COMPANY.

Complainant alleged that the service between Doylestown and Willow Grove was unsatisfactory, so far as schedule was concerned, and that the cars, which are equipped with revolving chairs, are never heated in cold weather.

After an inspection by the Commission the complainant was advised that his complaint was without reasonable foundation; the schedule furnished very good accommodations; that the cars contained electric heaters and were vestibuled; that the station facilities at Willow Grove are exceptionally adequate and that the entire line was well managed.

No. 533.

CITIZENS OF ULYSSES, PENNSYLVANIA vs. NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

A petition was filed, setting forth that the station facilities at Ulysses, on the line of respondent's road, were inadequate and insufficient for the accommodation of freight and the travelling public in general.

The respondent advised the Commission that new accommodations would be provided at this point, and as this satisfied the petitioners the complaint was closed.

No. 534 & No. 535.

JOHNSTOWN TELEPHONE COMPANY, PETROLEUM TELEPHONE COMPANY vs. THE BELL TELEPHONE COMPANY.

APPEARANCES: For Complainants: PETER M. SPEER, Esq.
For Respondent: SPRINGER H. MOORE, Esq.,
ADDISON CANDOR, Esq.

Complaint was filed, alleging discrimination in granting a period of free service to new subscribers.

The Commission, after a full hearing filed the following:

OPINION AND RECOMMENDATION.

"The sole question for determination in these cases, practically the same in their facts, is whether the practice pursued by the respondent company from time to time for limited periods in the territories served also by the complainant companies and elsewhere, is illegal or unlawfully discriminatory. Necessarily it must be clearly understood just what the practice complained of is before any conclusion as to its character can be reached.

"This practice, then, is to, from time to time, and in selected territory, push a canvass for additional subscribers, and to offer, as an inducement, fifteen months or longer service for the price or consideration charged its present subscribers for one year's service. Respondent calls this a trial service; the complainants denominate it as discrimination in rates. Which, if either, is correct?

"In the first place, these so-called trial service terms are not in force all the time in any locality, nor as yet have they been offered at all in most localities. They are only given in chosen places at particular periods and for a limited time, but repeated in some places after greater or less intervals at the will of respondent. During the periods of such canvassing the rule is that the same terms are offered to all non-subscribers, but in one instance at least it appears that an applicant for a 'phone was not advised of these terms, then being offered in his locality, and the contract was written up for him at the rate then in effect for old subscribers. The endeavor was made to justify this on the ground that the applicant was only temporarily located there, but the testimony relative to the transaction was not very satisfactory. The same may be said as to the instance in Johnstown where it is alleged a business telephone was contracted for at residence rates. We prefer, however, to base our conclusions on the admitted character of the practice, rather than upon any isolated case of disputed conditions; and particularly since the complaints do not embrace any such allegations.

"The offer is made not only to persons having no telephone service at all, but also to subscribers for such service on other and competing lines; and that is what prompted these complaints.

"The contracts are drawn in the usual form, but with a marginal note to the effect that payment is not to begin until a later specified date. The space for this later date is left blank on the form and inserted when the contract is written up. According to the time when the contracts are actually entered into there are variations of days and weeks in the periods to elapse before payment begins. Thus one person has use of his telephone for three months and several weeks before he begins to pay, while another, making his contract later, has but three months or less of such service; for the canvassing, in these cases at least, was prosecuted during December and the payment period uniformly began the first of the following April. No one is given any period of service without payment, however, unless he first contracts for the service for at least one year from the date payment is to begin. There is, therefore, really no absolutely free service, for what is so called is wholly dependent upon and coupled with the subsequent year's contract.

"No distinction is made between persons having no telephone and those having one of the competing line, nor even between persons never having been subscribers of the respondent and those having theretofore experienced its service as subscribers in that locality or elsewhere.

"While the practice has been thus far to give not exceeding something less than four months so-called free service, the principle involved by the contention of the respondent would not prescribe any limit short of what the respondent might regard as advisable in any particular case at any particular time. The whole purpose is to get business, so that what free service might at any time be regarded by the respondent as necessary and advisable in order to attain that end, it claims to be at liberty to give.

"Respondent admits that at one time it gave an absolutely free trial service for a limited period in different localities, without any obligation on the part of the person to subsequently contract for a stipulated period, but that this course was not satisfactory. The natural inference is that such absolutely free service did not induce subsequent contracts in sufficient number. By the present method it is assured of at least a year's contract in every case.

"The respondent's contention that the free period is a trial service and educational measure is negatived by the facts that this service is coupled with an absolute contract for a year, that it is given to patrons of competitive lines who have had experience of similar service, and that it is given to persons who formerly in the same locality or elsewhere were patrons of its own service and, consequently, experienced in both the use of the telephone and in the service rendered by respondent's line.

"Reduced to its last analysis this practice of the respondent amounts simply to giving reduced rates to increase its business. And it does this not only in the initial work of new exchanges and for quick development, and not only once in any locality, but repeats the practice from time to time in certain localities, and that years after the installation of those exchanges.

"It is only during the seasons of special canvassing that these reduced terms are given. At all other periods the standard terms only are in effect. And, as stated, the special terms do not appear to have been consistently offered from the beginning at even irregular intervals in any locality, nor ever to have been given in most

places; so that it cannot be contended that all its subscribers, even in any particular place, have had the benefit or the opportunity of the benefit of the same terms.

"The respondent contends that the public is benefited rather than injured by its practice, both because of the reduced rates it affords and the increase in service the success of its practice gives its old subscribers by the multiplication of their available calls—the increased number of persons brought within their reach. There is some truth in this, but it leaves entirely out of view all of the public except its own subscribers, old and new, and regards neither its competitors nor the competitor's subscribers, both of whom are of the public nor does it regard its own subscribers who have never had advantage of such reduced rates, and are at the same time paying the standard rate, and who may have no occasion to avail themselves of any enlarged or increased facilities. The competitors of the respondent in these cases have lost subscribers by this method, and both they and their patrons—the latter in the restricted service thus occasioned them——are thereby injured. For if the addition of a new subscriber is any advantage to all the old ones, it must follow that the loss of a subscriber is an injury to the remaining ones.

"Suppose a railroad company should propose to a patron of a competitive line that if he would patronize that company instead, or even divide with it his patronage, it would give him reduced rates for a definite period, would not that be discrimination? If such a proposition were made to a manufacturer for the transportation of his product it might even be alleged that the public would be benefited thereby, on the ground that the effect of such an arrangement would be to extend the market for the product, and also reduce the price of such product to the consumer. But would that change the character of the transaction? Or suppose such company should say to one who persisted in using his old one-horse chaise, or preferred his new automobile, that if he would ride on its train for a stated period he would be carried free for a period of three months, would that not be discrimination? Is there any substantial difference in principle between these suppositious cases and those before us? The end in view is the same in all, the method pursued is the same: and, while the respective effects may vary somewhat, the principles involved are the same. In all the cases it is a public service corporation giving service of the same character to some at a price which it is at the same time denying to others at the same point.

"But, it is argued that the effects are NOT the same—that in the case before us the public is benefited and not injured. Is this the case? We have seen already that part of the public IS injured—the competitor and its patrons—and in these particular cases, at least, if we stop to measure the relative public interest in them, it appears that the complainants and their patrons constitute the greater part of the public in their respective localities—that the patrons of the complainants exceed in number those of the respondent. And even then we leave out of consideration what may be the possible ultimate effect of this practice on the complainants themselves, and the resultant consequence to their patrons as a body and to the public generally in those localities; for the seal of approval of the practice in question might result in the financial embarrassment of the complainants and in their withdrawal from those fields, and in the total destruction of competition at those points with whatever effect that may occasion the telephone service there.

"The plea of the respondent that preparatory to the establishment of an exchange a careful survey of the field is made to ascertain its probable and possible demands for service, that the plant is then designed to meet such demands, and that to warrant the necessary expense and recompense the company for such outlay a quick development of the territory is required and can best be secured by the practice in question, may all be conceded, but that neither justifies nor legalizes the method of development pursued. If that method is wrong it must be abandoned, even though the development of the territory be retarded in consequence. But in the present cases the period for speedy initial development has long since passed, while the questionable method is still intermittingly pursued.

"And the argument that the public is not injured and has no interest in these cases because the complaints are confined to competitors of the respondent is without force if in reality the public is injured although not complaining, and if the practice is unlawful.

"Nor does it follow that the cost of service to the company is reduced by increasing the number of its patrons, and, consequently, that such increase tends to a reduction of its charges to its patrons

for it is stoutly contended, if not authoritatively declared, that an increase in subscribers increases the cost of the service for each subscriber. Thus the cost to the company for the service to, say, one hundred subscribers may, for example, be one thousand dollars per annum, or ten dollars for each subscriber, while if the number be increased to two hundred the cost to the company will be, say, twenty-four hundred dollars or twelve dollars each. In this way the net return is greater notwithstanding the increased cost per patron, and the pecuniary benefit in an increase of subscribers is not sought primarily or chiefly for the patrons but for the company.

"The conclusion of the Commission is, therefore, that the practice in question is illegal and unlawfully descriminatory, and it now makes the following

RECOMMENDATION

"It is hereby declared that the practice of the respondent in giving certain periods of free telephone service in consideration of contracts for a longer period of service at the standard rates is illegal and unlawfully discriminatory, and it is, therefore, hereby recommended that said practice be forthwith discontinued and abondoned, not only in Johnstown and Oil City, where the complaints originated, but throughout the Commonwealth of Pennsylvania."

No. 536.

J. N. GLOVER vs. ADAMS EXPRESS COMPANY.

Complaint was made regarding the rate charged by the respondent company for the shipment of a 30-pound can of milk from Vicksburg to Lewisburg.

The complainant was advised that the facts submitted did not prove that the charges complained of were unreasonable nor were they sufficient to enable the Commission to reach a conclusion and to afford complainant a hearing if desired. The case was, therefore, dismissed.

No. 537.

EMPLOYEES OF UNITED STATES NAVY YARD vs. PHILADELPHIA RAPID TRANSIT COMPANY.

A petition was filed, alleging that the service rendered by the respondent company from points in the city of Philadelphia to the United States Navy Yard was insufficient.

The respondent in answer advised the Commission that it had restored the former schedule, which had been abandoned six months previous, and as this satisfied the complainants the case was marked closed.

No. 538.

RESIDENTS OF FAIRVIEW TOWNSHIP vs. NORTHERN CENTRAL RAILWAY COMPANY.

A petition was filed asking for the erection of a suitable passenger station at Marsh Run on the line of the respondent company.

After the filing of answer by the respondent company, replication thereto by the complainant, the respondent advised that instructions had been issued for the furnishing of reasonable station facilities at Marsh Run.

Case closed.

No. 539.

W. B. SKINKLE vs. PITTSBURG AND LAKE ERIE RAILROAD COMPANY.

A complaint was made, alleging that the station and approaches thereto, at Woodlawn, were dangerous.

The respondent advised the Commission that a new station was being constructed below track levels, with subway approach for teams and foot passengers, and as this satisfied the complaint, the case was closed.

No. 540.

H. M. FRY vs. READING TRANSIT COMPANY.

Complaint was made regarding the refusal of the respondent to issue transfers from one side of the bridge at Penn Street, Reading, to the other side, owing to the unsafe condition of the bridge, thereby preventing the operation of the cars thereon.

The respondent company advised the Commission that the refusal to issue transfers was owing to the abruptness of the withdrawal of car service over the bridge and that they were without proper transfers to fit the situation, but that transfers suited for the purpose had been received and were being issued.

As this satisfied the complainant, the case was marked closed.

No. 541.

PECK LUMBER MANUFACTURING COMPANY vs. LEHIGH VALLEY RAILROAD COMPANY.

Complainant alleged that an exorbitant rate was charged for the switching of a car loaded with bailed shavings from the Delaware and Hudson Lines to the Lehigh Valley Lines in Wilkes-Barre.

The respondent advised the charge was in accord with that made in similar cases, at other points, where a connecting line, having the long haul transportation, is given the use of terminals in delivering property, and is also in accord with published tariff.

Hearing was arranged, but as complainant declined to further prosecute case, the same was closed.

No. 542.

ELTON J. BUCKLEY vs. THE PENNSYLVANIA RAILROAD COMPANY.

Complaint was made regarding insufficient lighting of cars upon the Germantown and Chestnut Hill Branch of respondent's road.

Respondent advised the Commission that steps were being taken to improve the condition complained of. As this satisfied the complaint, it was closed.

APPENDIX "B."

Summary and Classification of Reports of Accidents on Railroads and Street Railways for the year ending December 31, 1911.

SUMMARY OF RAILROAD AND STREET RAILWAY ACCIDENTS RECEIVED AND TABULATED FOR THE YEAR ENDING DECEMBER 31, 1911.

	Killed.	Injured.	Total.	Percentage of Fatalities.
Railroads,	1,114	8,449	9,563	11.65
Street Railways,	193	3,752	3,945	4.90
Total,	1,307	12,201	13,508	9.68

ACCIDENTS CLASSIFIED AS TO EMPLOYES, PASSENGERS, TRESPASSERS AND OTHERS.

RAILROADS.

	Killed.	Per Cent.	Injured.	Per Cent.	Total.	Per Cent.
Employes,	364	32.67	6,702	79.33	7,066	73.89
Passengers,	13	1.17	858	10.15	871	9.11
Trespassers,	641	57.54	585	6.92	1,226	12.82
Others,	96	8.62	304	3.60	400	4.18
Total,	1,114	100.00	8,449	100.00	9,563	100.00

STREET RAILWAYS.

	Killed.	Per Cent.	Injured.	Per Cent.	Total.	Per Cent.
Employes,	13	6.74	178	4.74	191	4.84
Passengers,	19	9.84	2,056	54.79	2,075	52.60
Trespassers,	26	13.47	74	1.97	100	2.53
Others,	135	69.95	1,444	38.50	1,579	40.03
Total,	193	100.00	3,752	100.00	3,945	100.00

TABULATION SHOWING PERCENTAGE OF FATALITIES IN EACH CLASS OF PERSONS TO THE TOTAL NUMBER OF ACCIDENTS.

RAILROADS.

	Killed.	Total Accidents.	Percentage of Fatalities.
Employes,	364	7,066	5.15
Passengers,	13	871	1.49
Trespassers,	641	1,226	52.28
Others,	96	400	24.00
Total,	1,114	9,563	11.65

STREET RAILWAYS.

	Killed.	Total Accidents.	Percentage of Fatalities.
Employes,	13	191	6.81
Passengers,	19	2,075	.92
Trespassers,	26	100	26.00
Others,	135	1,574	8.58
Total,	193	3,945	4.90

REPORT OF ACCIDENTS ON RAILROADS.

SUMMARY FOR YEAR 1911.

	Killed.				Injured.				Total.		Percentage.	
	E.	P.	T.	O.	E.	P.	T.	O.	K.	I.	K.	I.
Collision,	23	3	2		253	154		5	28	412	2.51	4.88
Grade Crossing,	1		2	77	5	6	5	170	80	186	7.18	2.20
Derailment,	10		7		119	65	5	3	17	192	1.52	2.27
Parting of trains,	4				44				4	44	.36	.52
At stations or loading platforms,	1		1		235	144	7	41	2	427	.18	5.05
Defect or failure of roadway and equipment,	8		1		231	15		5	9	251	.81	2.97
Switching,	16			3	454	1	2	6	19	463	1.70	5.48
Overhead or side obstruction,	14		1	1	235	6	7	1	16	249	1.44	2.94
Repairing track or roadbed,	5				838			1	5	839	.45	9.93
Handling freight or baggage,	2				715			10	2	725	.18	8.58
Coupling or uncoupling cars,	28		1	1	367	7	3	8	30	385	2.69	4.56
Falling from locomotives or cars,	52	3	38	1	661	100	65		94	826	8.44	9.78
Jumping on or off locomotives or car,	9	6	38		653	156	170	7	53	986	4.76	11.67
Struck by locomotives or cars,	183	1	535	11	235	6	255	20	730	516	65.54	6.10
Miscellaneous,	8		15	2	1,657	198	66	27	25	1,948	2.24	23.06
Total,	364	13	641	96	6,702	858	585	304	1,114	8,449	100.00	100.00

Total accidents, 9,563.

REPORT OF ACCIDENTS ON STREET RAILWAYS.

SUMMARY FOR YEAR 1911.

	Killed.				Injured.				Total.		Percentage.	
	E.	P.	T.	O.	E.	P.	T.	O.	K.	I.	K.	I.
Collision,	1	1			44	361	1		2	406	1.04	10.82
Grade Crossing,				4	4	38		24	4	66	2.07	1.76
Derailment,	2	2			8	236		10	4	254	2.07	6.77
Overhead or side obstruction,		1			6	57	3		1	66	.52	1.76
Contact with trolley or feed wire,	3			1	8	1		4	4	13	2.07	.35
Defect or failure of roadway or equipment,	2				12	67		17	2	96	1.04	2.56
Passengers on running board,					9	55	1			65		1.73
Collision of car and vehicle,				9	17	55		623	9	695	4.66	18.53
Pedestrian struck by car,	3		25	117	13	4	18	725	145	760	75.13	20.26
Falling from car,		6			9	295	14	1	6	319	3.11	8.50
Jumping on or off car in motion,	1	6	1	3	6	689	36	21	11	752	5.70	20.03
Miscellaneous,	1	3		1	42	198	1	19	5	260	2.59	6.93
Total,	13	19	26	135	178	2,056	74	1,444	193	3,752	100.00	100.00

Total accidents, 3,945.

COMPARATIVE STATEMENT OF ACCIDENTS ON RAILROADS. YEAR 1911.

	1910.		1911.		Decrease.		Increase.	
	K.	I.	K.	I.	K.	I.	K.	I.
Employes,	437	8,008	364	6.702	73	1,306		
Passengers,	26	908	13	858	13	50		
Trespassers,	587	651	641	585		66	54	
Others,	127	400	96	304	31	96		
Total	1,177	9,967	1,114	8,449	117	1,518	54	

Killed—Decrease, 63.
Injured—Decrease, 1,518.

COMPARATIVE STATEMENT OF ACCIDENTS ON STREET RAILWAYS. YEAR 1911.

	1910.		1911.		Decrease.		Increase.	
	K.	I.	K.	I.	K.	I.	K.	I.
Employes,	16	232	13	178	3	54		
Passengers,	18	2,151	19	2,056		95	1	
Trespassers,	27	148	26	74	1	74		
Others,	126	1,585	135	1,444		141	9	
Total,	187	4,116	193	3,752	4	364	10	

Killed—Increase, 6.
Injured—Decrease, 364.

STATEMENT OF FATALITIES AND INJURIES TO EMPLOYES OF RAILROADS SHOWING COMPARATIVE HAZARDS OF VARIOUS OCCUPATIONS.

FOR YEAR ENDING DECEMBER 31, 1911.

	Killed.	Injured.
Brakeemen,	104	2,052
Sectionmen and work train employes,	101	1,243
Conductors,	28	487
Track walkers,	18	18
Engineers	19	374
Yard crews,	17	287
Firemen,	14	722
Car repairmen and inspectors,	12	234
Flagmen,	10	178
Carpenters,	9	103
Express messengers and mail clerks,	3	29
Crossing watchmen,	3	16
Baggagemen,	2	56
Freight handlers,	1	558
Car cleaners,	1	63
Miscellaneous,	22	282
Total,	364	6,702

APPENDIX "C."

Tabulated Statement of Accidents occurring on the lines of the various Railroads of the State during the year ending December 31st, 1911; classified by character of accident and class of persons injured.

APPENDIX "D."

Tabulated Statement of Accidents occurring on the lines of the various Street Railways of the State during the year ending December 31st, 1911; classified by character of accidents and class of persons injured.

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APPENDIX "E."

List of Railroads and Street Railways reporting no accidents during the year 1911.

RAILROADS REPORTING NO ACCIDENTS FOR YEAR OF 1911.

Allegheny & South Side Railway Company.
Altoona, Juniata & Northern Railway Company.
Bare Rock Railroad Company.
Bradford & Western Pennsylvania Railroad Company.
Brownstone & Middletown Railroad Company.
Cambria & Indiana Railroad Company.
Central Railroad Company of Pennsylvania.
Chestnut Ridge Railway Company.
Coudersport & Port Allegany Railway Company.
Delaware River & Union Railroad Company.
Delaware Valley Railroad Company.
Dent's Run Railroad Company.
East Berlin Railroad Company.
Eddystone & Delaware River Railroad Company.
Elk & Highland Railroad Company.
Emporium & Rich Valley Railroad Company.
Etna & Montrose Railroad Company.
Hooverhurst & Southwestern Railroad Company.
Indian Creek Valley Railway Company.
Ironton Railroad Company.
Jersey Shore & Antes Fort Railroad Company.
Johnstown & Stoney Creek Railroad Company.
Kane & Elk Railroad Company.
Keating & Smethport Railway Company.
Kishacoquillas Valley Railroad Company.
Kittanning Run Railroad Company.
Leetonia Railroad Company.
Lehigh & Hudson River Railroad Company.
Mocanaqua & Eastern Railroad Company.
Montour Railroad Company.
Mt. Jewett, Kinzua & Riterville Railroad Company.
Mt. Penn Gravity Railroad Company.
Mt. Pleasant & Latrobe Railroad Company.
New Berlin & Winfield Railroad Company.
New Park & Fawn Grove Railroad Company.
Newport & Shermans Valley Railroad Company.
New York & Pennsylvania Railway Company.
New York, Susquehanna & Western Railway Company.
Nittany Valley Railway Company.
North Shore Railroad Company.
Olean Railroad Company.
Pencoyd & Philadelphia Railroad Company.
Pennsylvania Western & Ohio River Connecting Railway Company.
Philadelphia Belt Line Railroad Company..
Pittsburgh, Allegheny & McKees Rocks Railway Company.

Pittsburgh & Moon Run Railroad Company.
Pittsburgh & Ohio Valley Railway Company.
Redstone Central Railroad Company.
Scootac Railway Company.
Scottdale Connecting Railroad Company.
Scranton & Spring Brook Railroad Company.
Sheffield & Tionesta Railway Company.
South Shore Railroad Company.
Stewartstown Railroad Company.
Susquehanna & Buffalo Railroad Company.
Susquehanna & Eagles Mere Railroad Company.
Susquehanna River & Western Railroad Company.
Turtle Creek & Allegheny Valley River Railroad Company.
Tuscarora Valley Railroad Company.
Upper Merion & Plymouth Railway Company.
Ursina & North Fork Railway Company.
Valley Connecting Railroad Company.
Valley Railroad Company.
Westinghouse Inter-Works Railroad Company.
White Deer & Logantown Railway Company.
Winfield Railroad Company.

STREET RAILWAYS REPORTING NO ACCIDENTS DURING YEAR 1911.

Allen Street Railway Company.
Allentown & Reading Traction Company.
Blue Ridge Traction Company.
Cambria Incline Plane Company.
Centre & Clearfield Street Railway Company.
Chambersburg & Gettysburg Electric Railway Company.
Chambersburg, Greencastle & Waynesboro Street Railway Company.
Clairton Street Railway Company.
Corry & Columbus Street Railway Company.
Cumberland Railway Company.
Danville & Bloomsburg Street Railway Company.
Danville & Sunbury Transit Company.
DuBois Traction Company.
Erie Traction Company.
Fairchance & Smithfield Traction Company.
Fairmount Park Transportation Company.
Gettysburg Railway Company.
Hagerstown Railway Company.
Highland Grove Traction Company.
Homestead & Mifflin Street Railway Company.
Hummelstown & Campbellstown Street Railway Company.
Huntingdon, Lewistown & Juniata Valley Traction Company.
Irwin-Herminie Traction Company.

Jersey Shore Electric Street Railway Company.
Kittanning & Leechburg Railways Company.
Latrobe Street Railway Company.
Lewisburg, Milton & Watsontown Passenger Railway Company.
Mahoning Valley Street Railway Company.
Meadville & Cambridge Springs Street Railway Company.
Montgomery County Rapid Transit Company.
Montoursville Passenger Railway Company.
Neversink Mountain Railway Company.
New Jersey & Pennsylvania Traction Company.
Northampton Traction Company.
Northern Cambria Street Railway Company.
Northumberland County Traction Company.
Oakdale & McDonald Street Railway Company.
Patterson Heights Street Railway Company.
Pennsylvania & Maryland Street Railway Company.
Philadelphia & Easton Electric Railway Company.
Pittsburgh, McKeesport & Westmoreland Railway Company.
Shamokin & Edgewood Electric Railway Company.
South Bethlehem & Saucon Street Railway Company.
South Side Passenger Railway Company.
Stroudsburg, Water Gap & Portland Railway Company.
Stroudsburg Passenger Railway Company.
Susquehanna Traction Company.
Trenton, New Hope & Lambertville Street Railway Company.
Tri-State Railway & Electric Company.
United Traction Street Railway Company of DuBois.
Vallamont Traction Company.
Warren County Traction Company.
West Side Electric Street Railway Company.
White Hall Street Railway Company.
Williamsport Passenger Railway Company.

APPENDIX "F."

Report of Investigations of Accidents made by the Commission during the year ending December 31st, 1911.

9—28—1911

INVESTIGATED ACCIDENTS.

PHILADELPHIA AND READING RAILWAY COMPANY, CHALFONTE.

On January 28th, at Chalfonte, on the Doylestown Branch of the Philadelphia & Reading Railway, a collision occurred between an extra freight engine and a passenger train, resulting in the death of one employee and in the injury to several others.

It appears from the correspondence that the collision was the result of the action of the freight brakeman in throwing a switch contrary to the rules and regulations. He was accordingly held responsible for the disaster and dismissed from the service.

ERIE RAILROAD COMPANY, RIDERVILLE.

On February 8th at Riderville, on the Erie Railroad, the crown sheet of a freight engine blew out, and although there were no fatalities the fireman was badly scalded by steam.

An investigation was conducted through correspondence and it was developed that the explosion was the result of low water, for which the engineer was responsible.

PHILADELPHIA RAPID TRANSIT COMPANY, PHILADELPHIA.

On February 26th, at 23rd and Passyunk Avenue, in the city of Philadelphia, aclosed "Pay-Within" car of the Philadelphia Rapid Transit Company was sideswiped by a Baltimore & Ohio Railroad engine.

Reports and statements received from officials of both companies indicated that although the conductor of the motor car signalled the motorman not to come forward with the car, this warning was disobeyed and the collision was the result.

None of the passengers was killed.

NEW YORK, ONTARIO AND WESTERN RAILROAD COMPANY, OLYPHANT.

On March 29th, at Olyphant, a passenger car of the Scranton Traction Company while atempting to cross at grade in front of an extra train on the New York, Ontario & Western Railroad collided with the latter, resulting in slight injuries to several passengers.

An investigation developed that the motorman ran his car over the crossing without receiving the proper signal from the conductor. He was dismissed from the employ of the company on account of his negligence.

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, GLEN CAMPBELL.

At Glen Campbell, on the line of the New York Central & Hudson River Railroad, on April 2nd, a worktrain while engaged in shifting collided forcibly with a freight car, with the result that two of the workmen were fatally injured.

It appears that the engineman failed to control the speed of the engine and that the conductor and fireman also contributed to the accident. They were dismissed from the service.

DELAWARE AND HUDSON RIVER RAILROAD COMPANY, EDWARDSVILLE.

A passenger car of the Wilkes-Barre Railway Company, while crossing the tracks of the Delaware & Hudson River Railroad, at a crossing at Edwardsville, on June 7th, was struck by three gondola cars which were being shunted. There were no fatal injuries.

An investigation conducted through correspondence showed that the accident was the result of the disobedience of rules on the part of the conductor and motorman in approaching the crossing.

PHILADELPHIA AND READING RAILWAY COMPANY, PHILADELPHIA.

On June 28th, 1911, a collision occurred on the Philadelphia & Reading Railway about 550 feet north of 21st Street and within a subway tunnel a distance of 234 feet from the Southern entrance thereto.

Train No. 807, known as the Chestnut Hill Express, collided with freight engine No. 564, which was standing on a cross over leading from a northward main track to a siding.

As the result of this accident one passenger lost his life, fifty-two sustained burns or lacerations and Dolan, the engineer of the express train, was seriously injured.

The Marshal of the Commission on June 29th inspected the scene of the accident and attended the inquest held on July 12th by Coroner Ford in the city of Philadelphia. His report follows:

> "The material evidence brought out substantially shows that a green and two red signals were set against the Express from 19th street to the place where the accident occurred or a distance of 2,854 feet. While this fact points to Dolan as the one responsible for the collision, he claims there was no reckless disregard of these warnings on his part but that circumstances beyond his control contributed to the disaster. His statement briefly is that his view of the cautionary signal at 19th street was shut off by the steam from an engine. He then decreased his speed. At 20th street he observed the red signal and applied the air brakes, but on account of slippery rails he was unable to come to a stop before colliding with the freight engine. Dolan's statement as to the application of the air brakes is corroborated by Dill, his fireman.
>
> "The foregoing explanation might suggest conditions of an extenuating character were it not for the fact that Dolan also says: 'While there are speed limits designated along this route, yet if I were to follow them I could never make the time allowed for the trip, and if I were to approach every signal prepared to stop I could never make Chestnut Hill in 27 minutes via the Subway, and the Reading Railway Company will not accept an excuse for lateness. If you cannot make the time somebody else is given the run.'
>
> "This expression would indicate more of a desire on the part of the engineer to make the run in scheduled time than to consider the safety devices installed for his guidance.
>
> "In connection with this accident Edward E. Pennewill, of Philadelphia, advised the Commission that many persons in the wreck were forced to leave the overturned coach by means of windows. He suggested that inasmuch as many of the cars on suburban lines have windows that will not open beyond twelve inches that the Commission consider the advisability of requiring all railroads to have windows which will open to the extent of allowing a person's body to pass through them. Your representative brought this matter to the attention of Mr. J. B. Warrington, Superintendent of the Division on which the accident occurred, and was informed by that official that the type of cars of which Mr. Pennewill complains is rapidly being replaced by coaches of a modern character."

LEHIGH VALLEY TRANSIT COMPANY, MOUNTAINVILLE.

On September 14th a collision of a passenger car and a work car occurred at Mountainville. Several passengers and employees were injured—one of the latter subsequently died.

Both Motormen claimed the right-of-way but it developed at the Coroner's inquest that the motorman of the passenger car was responsible, because he disregarded the target. He was dismissed from the service of the company.

PHILADELPHIA AND READING RAILWAY COMPANY, KURTZ SIDING.

On July 22nd, 1911, a northbound passenger train on the Wilmington Branch of the Philadelphia & Reading Railway was derailed at Kurtz Siding, resulting in the death of the engineer. None of the 35 passengers was seriously injured.

This derailment was investigated by the Marshal of the Commission, who, accompanied by F. M. Falck the Division Superintendent, personally inspected the locality at which the accident occurred and made such inquiries as would tend to bring forth the probable facts relating thereto.

That part of the line between Reading and Coatesville is single track and is characterized by several sharp curves. One of these curves is at Kurtz Siding and at this point a switch is located.

It is the opinion of the Division Superintendent that this switch had been maliciously tampered with by the disconnection of the pulling rod which connects the switch points in the track to the switch stand. He says:

> "When the accident occurred, Fireman Layton of Coatesville, who was returning to his home, and riding in the rear seat of the coach when it turned over, got out and returned immediately to the switch arriving within three minutes after the accident. He found the connecting rod between the switch pulling rod and the stand proper disconnected, the jaw end on the ground directly along the stand. Supervisor Meredith upon his arrival examined the switch and stand, and kept them in condition found until I arrived. I found that the pin which passes through the jaw on the end of the connecting rod, and the eye on the adjusting rod of the stand was standing vertical, the bottom of it resting on the eye of the adjusting rod and the top of it against the side of the interior of the stand, while the jaw laid on the ground. It would have been absolutely impossible for this pin to have jarred out, left the jaw fall and then have gotten back on top of the eye which is in the centre between the top and bottom of the jaw. This could only have been accomplished by the pin having been lifted out of the jaw, and the pin set back on top of the eye again. The cotter pin is nowhere to be found, although the earth for four or five feet around the stand was gathered up and thoroughly searched.
>
> "In addition to this we found a short piece of steel about 1½ inches long driven into the tie immediately back of the point and the base of the stock rail about ¼ inch distant from the base of the stock rail. This was somewhat mashed and scarred when found, indicating that the point had been pushed over on top of it."

Considering the facts obtainable, the foregoing theory of the cause of the derailment appears to be plausible although another feature invites consideration. It is that while the distance from Coatesville to Reading is 40 miles and the schedule of the train in question is one hour and forty-one minutes, its speed, according to the Superintendent, was at the rate of 35 miles an hour passing a point one-half mile from the switch. If this speed was maintained when the train reached the curve there is a probability that the derailment might have been the result thereof and not attributable to the malicious tampering assigned by the railroad officials.

PHILADELPHIA RAPID TRANSIT COMPANY, PHILADELPHIA.

On August 18th the Marshal of the Commission investigated two accidents which occurred on the line of the Philadelphia Rapid Transit Company—one at York Road and Chelten avenue on August 12th, and the other at Germantown and Hillcrest Avenue, on August 14th. His report is as follows:

"In each case the cause of the accident was the inability of the motorman to control his car, and in each case also one fatality to a passenger resulted. Both motormen were discharged from the service of the company and subsequently held for the action of the grand jury by the Coroner of the city of Philadelphia.

"Woods, the motorman who figured in the accident at York Road and Chelton avenue, was in charge of a single truck open car, equipped with hand brakes only, south bound on York Road. He had come to a full stop two hundred yards from the point of the accident and after starting applied two points of power. Thirty yards from Chelten avenue, where there is about a 7 per cent. grade, he threw off the power and applied the brakes. He could not bring the car to a stop at the proper place, however, and running into an open switch it left the rails and collided with a stone wall on the south side of Chelten avenue. Nearly all of the thirty-seven passengers were more or less injured, and one of them, Mrs. Elizabeth Johnson, aged 67, died the following day. Woods had been in the employ of the company about two months.

"The car which got beyond the control of McDevitt, the motorman on Germantown avenue, was of the closed Pay-Within type, equipped with hand and air brakes. It was fed up on two points with the controller descending a five per cent. grade. At about three hundred feet from the point of the accident the motorman says he made an effort to stop the car. The air failed to work. He then used the hand brake, but without result and being excited did not think of applying the reverse on his controller. At Hillcrest avenue the front wheels of the car struck the open switch and ran into the curb while the rear end swerved against a tree. The company officials claim that after the accident the air gauge showed fifty pounds of pressure; the brake riggage was in perfect order, nothing having been broken even after the car had left the rails. William A. Ruhle, who was fatally injured, was standing on the rear platform when the accident occurred.

"The motorman had been in the employ of the Company only since June 22nd last, and I learned incidentally that his defence in the courts will probably be that he had never been properly instructed in the use of the reverse. In regard to this suggestion, Mr. Mahlin R. Kline, Assistant General Claim Agent of the Philadelphia Rapid Transit Company, said that it can be easily proven that the necessary instructions are given to all the car operators before they are placed in charge of a run.

"The attention of the Commission is directed to the fact that both motormen were without extended experience and that their runs traversed streets characterized by heavy grades. It appears to your representative that comparatively untried motormen should be schooled in less dangerous localities until they shall have attained a thorough knowledge of the operation of brakes and other safety devices, and acquired an intelligent judgment as to the timely application of the same in order to bring their cars under absolute control."

PHILADELPHIA AND READING RAILWAY COMPANY, PHILADELPHIA.

On November 9th, shortly after 2:00 o'clock in the morning, a Philadelphia & Reading freight train, being backed east on Willow street in the city of Philadelphia, collided with and overturned a trolley car of the Philadelphia Rapid Transit Company south-bound on Second street, fatally injuring one of the passengers of the latter.

An inspection and investigation was made by the Marshal of the Commission, who reported as follows:

> "At the crossing where the accident occurred a watchman is on guard during the hours of the day and until twelve o'clock midnight. He is employed by the trolley company and it is his duty to signal the motormen and conductors when it is safe to cross. At the hour at which the collision occurred, however, the crossing was unprotected by a watchman, which imposed on the conductor the duty of ascertaining the exact situation as regards to safety. He is plainly instructed by the rules and regulations to exercise extraordinary care and vigilance when approaching railroad crossings, and if he fulfills this obligation an accident such as this report deals with is impossible.
>
> "It appears from the statements herewith appended that the conductor in this case signalled the motorman to proceed while running alongside the car, instead of going in advance to the middle of the tracks in accordince with his instructions. The accident, therefore, was the result of this utter disregard of duty. Both the conductor and motorman in consequence have been discharged from the employ of the company and held for the action of the grand jury by the Coroner of the City of Philadelphia."

THE PENNSYLVANIA RAILROAD COMPANY, EAST MANOR.

On December 6th, at East Manor, an express train, ran into the wreckage of a freight train, resulting in the death of five people.

An investigation through correspondence developed that the primary accident was caused by improper flag protection and by the recklessness of the engineer of Extra Freight No. 3078 in disregarding instruction.

Both the flagman and engineer involved were disciplined by their dismissal from the service of the company.

APPENDIX "G."

A Statement of the Traveling Expenses and Disbursements of the Commission, its Officers, Clerks and Experts.

A STATEMENT OF THE TRAVELING EXPENSES AND DISBURSEMENTS OF THE COMMISSION, ITS OFFICERS, CLERKS AND EXPERTS, DURING THE CALENDAR YEAR ENDING DECEMBER 31st, 1911.

Telegrams,	$148 68
Posal Service,	743 50
Express and Freight,	109 31
Books, Maps and Office Supplies,	421 06
Janitors Services,	480 00
Traveling Expenses,	2,685 04
Expert Services,	11,932 43
Extra Clerical Services,	1,584 88
Miscellaneous,	99 65
Salaries of Employees other than those fixed by law,	19,916 67
Total,	$38,121 22

APPENDIX "H."

Summary of Report made by Ford, Bacon & Davis in the matter of the complaints against the Philadelphia Rapid Transit Company.

SUMMARY OF REPORT MADE BY FORD, BACON & DAVIS IN THE MATTER OF THE COMPLAINTS AGAINST THE PHILADELPHIA RAPID TRANSIT COMPANY.

New York, March 7, 1911.

To the Pennsylvania State Railroad Commission, Harrisburg, Pennsylvania:

Sirs: On May 27, 1910, you commissioned us to make an examination of the service and equipment of the Philadelphia Rapid Transit Company, in order to determine whether certain complaints which had been made against the service rendered by that corporation were well founded or not, and to make a report to you upon existing conditions with recommendations.

In furtherance of this examination, we first obtained from the Philadelphia Rapid Transit Company, upon forms prepared by us, comprehensive statistics showing the amount and character of the physical property and presenting a record of its operations for a period of years. We also secured from reports of supervisory commissions and street railway companies, recent comparative statistics of the four other largest American cities, New York, Brooklyn, Boston and Chicago. From July 12, 1910 to February 1, 1911, we made systematic observations of the traffic and car service in Philadelphia. We also made a special examination of the car equipment of this company and of the standard cars of the four other cities. We have tabulated the statistics thus obtained, reducing the problem wherever possible to the basis of figures.

The detailed report herewith presented comprises a series of tabulated statements, maps and diagrams, representing the principal features of the information collected and forming the basis of the general discussion and recommendations in the accompanying text. From this report we present the following summary of our conclusions and recommendations:

It is our opinion that while in many particulars, the property and service of the Philadelphia Rapid Transit Company compare favorably with other large systems, there are lacking two essential features of good street railway service, upon which, more largely than any other, depend the comfort and convenience of the traveling public.

While we find the track construction to be substantial, the surface track mileage larger than the average considering the population served, the overhead line of first class design, the power plants of adequate capacity and fair economy and the car barn and shop facilities ample; the car equipment, which is the most important part of the physical property from the passengers' standpoint, is distinctly inferior to that of other large American cities; and while the average seats provided per passenger and total car mileage operated throughout the entire day are greater than the average of other cities, the proportion of rush-hour car service to middle-of-the-day service is considerably less than standard practice, resulting in unreasonable overcrowding at the times of heaviest traffic. We will, therefore, in this summary, call your attention principally to our criticisms of rush-hour car service and car equipment, leaving minor recommendations for your attention in the detailed report.

RUSH-HOUR CAR SERVICE.

Counts of Rush-Hour Traffic.

An extended series of observations and passenger counts was made for each line, especially as to operation during the evening or heaviest rush hours in and adjacent to the principal delivery district, which is the central business section bounded by the Delaware River, 17th Street, Cherry and Locust Streets. From these we ascertained the number of passengers on each during each half hour of the rush hours at the point of maximum loading. We found from our observations and records covering a period of about six months, that the evening rush-hour traffic for Wednesday, October 5, 1910, represented an average for that time of year, and consequently have used in our determinations the count made on that day. We ascertained for each line the number of passengers carried past the point of maximum loading during each half hour and the number of cars observed, and determined the absolute and the average car loading of each line and of each group of lines by sections of the city. Having thus obtained the number of passengers by half hours from 4 to 7 P. M. carried past the maximum-load point of each line, we were in position to make a critical analysis of the service operated and to devise a plan of car service which would provide adequately for this rush-hour traffic.

Limitations of Rush-Hour Service.

This problem involves the determination of a standard of reasonable car service for the rush hours, and the definition of practicable rules for car loading. The extreme limits of such service would be on the one hand, to provide seats for all passengers, and on the other, to continue the midday car service through this busy period. The maximum number of cars which can be operated is absolutely limited by track and crossing capacity and the necessity of providing sufficient employment for the extra car men. The track as now operated in the delivery district of Philadelphia has not yet been used to its greatest capacity except on some streets. An efficient rerouting of lines, the replacement of present small cars by large motor cars and the use of large trailers, if practicable, would make possible a considerable increase of service in this district.

The Company now schedules in winter about 39% more cars, and in summer about 45% more cars, during the evening rush hour, than on its base schedule during the middle of the day. Other large American street railway systems operate as many as 100% more cars during the rush hours than on the base schedule, which proves the feasibility of at least doubling the service during the rush hours with single car operation. With the use of large trailers it is believed that a still larger proportion of rush-hour capacity would be found practicable.

On the other hand, however, there are conditions of finance in the broad sense which place an economic limit upon the amount of car service that can be operated at this time of day. Track and street capacity must also be conserved as far as possible, in the interest of speed of operation.

Reasonable Car Loading.

Looking at the problem from another standpoint, if the service is proportioned upon the number that the car can accommodate comfortably, both seated and standing, its capacity would be used most efficiently and overcrowding would be prevented.

From careful studies of car capacities, we have found that four square feet of aisle and platform space per standing passenger allows comfortable standing space. This would mean, for the Philadelphia Pay-Within car, two rows of standing passengers with sufficient space for passage between, and a total capacity of 76, of which 38 would be seated and 38 standing. In other words, for a car with longitudinal or lengthwise seats, the standing capacity would equal the seating capacity. For a cross-seat car like those now operated in Philadelphia with seating capacity of 40, the standing capacity would be 29 and the total 69. If the usual large prepayment platforms are used on the cross-seat car it would accommodate 36 standing passengers or with the seated passengers a total of 76. Therefore, applying this rule to the cross-seat car, the standing capacity would equal from 75% to 90% of the seating capacity. This standing load is practically within the limits used by other American street railway companies which have given attention to the subject, and as prescribed in some cases by governmental regulations abroad.

We believe this to be a reasonable limit of car loading, and have used it in our calculations and recommendations of rush-hour service.

Limits to Individual Car Loads.

In order to prevent or lessen periodical overcrowding caused by the bunching of cars or pasesngers, we believe it is necessary to limit the loading of cars to the standard capacity determined. This under ordinary conditions of operation can be accomplished with platform doors or gates which close the entrance and exit when the car is in motion, together with the use of the "car full' sign.

The reasonable use of the individual car limit and the "car full" sign has been found beneficial by the American companies that have adopted it. This largely does away with the uncomfortable, unsanitary overcrowding, so common at present in many American cities at rush hours, and facilitate the speed and regularity of operation by eliminating the most serious cause of bunching of cars. Such a definite notice also reduces the annoyance of being passed by the motorman.

Efforts to restrict car loading to standards sometimes used abroad have met with objection because the limit has been placed at or near the seating capacity. This is impracticable under American conditions. During the non-rush hours, however, seats should be provided for all passengers. As the traffic increases at the beginning of the rush hours sufficient cars to furnish seats should be added until the maximum schedule is in operation.

Recommended Rush-Hour Service.

We therefore recommend that the Philadelphia Rapid Transit Company should furnish sufficient rush-hour car service to provide the above standard capacity, and should limit individual car loads on a practicable plan, making allowance for extraordinary conditions.

Improved Service Practicable Immediately.

As the present rush-hour service is considerably less than the standard recommended, this plan cannot be put into effect until additional cars and power are secured.

During the time of construction of this equipment we recommend that the Company operate a service as far as the number of present cars and the capacity of its power system will permit, which will provide on each line during the busiest half-hour an *average* car loading equal to the recommended standard of maximum car capacity. This standard of service immediately practicable would require the operation of 1,987 cars, an increase of 315, or 19% over the winter schedule, and of 205 cars, or 11% over the summer schedule. Although this would result in a considerable improvement of car loading there would still be carried regularly maximum loads up to the crowding limit of the car.

Recommended Service Applied to Traffic of October, 1910.

From a large number of observations both in Philadelphia and elsewhere, we find that the maximum car loads on any line in a half-hour approximate 25% more than the *average* loading for that half-hour. Thus for example, if 76 is fixed as the maximum load of the Pay-Within car, the *average* loading for the heaviest half hour would be 61 passengers. Consequently, our recommendation for standard service would require approximately 25% more cars to pass the maximum point of loading on each line at the busiest half-hour than would be required for the *average* loading just referred to, and this as calculated for the entire system would result in an additional number of large cars in operation of about 14%.

In order to ascertain whether our recommended standard limit of rush-hour car loading would be unreasonable or impracticable in Philadelphia, we have calculated in detail for each line the car service which would have been necessary to provide for the rush-hour traffic of an average day of October, 1910, represented by Wednesday, October 5th. We have assumed that additional small single-truck and maximum-traction cars would be used to furnish the increase of service of lines on which these types are now operated, which would mean that practically all of the best of this class of car equipment now on hand would be used. The additional cars necessary to provide the recommended service are assumed to be motor cars having the same maximum capacity of 76 as the present Pay-Within car.

With the use of these types and of the present large double-truck cars, there would be required to provide the recommended service, a total of 2,265 cars in operation, rendering necessary the purchase of 489 cars. This total number of 2,265 cars required for recommended service, compares with 1,672 called for by the Company's winter schedule, an increase of 593 cars, or 35%. Compared with the Company's summer schedule, which calls for 1,782 cars, it represents an increase of 483, or 27%. This increase would differ for each line, in some cases being more and in some less than this average. The increase of cars on lines operating into the delivery district is from 1,315 cars of present winter schedule to 1,801 cars, or 37%, thus necessitating some rearrangement of routing for certain of these lines.

If 2,265 cars are operated at the rush hours, there would be 89% more cars in service than in the middle of the day on the base schedule in force last October. This is within the limits of American practice.

We estimate that this service for both morning and evening rush hours would result in additional car mileage of 11%, or an increase of approximately 9% in

operating expenses. We believe that more efficient scheduling during the non-rush hours and the use for all day service of the large new cars purchased to replace many of the small single-truck cars, together with the saving which might be secured by a comprehensive rerouting plan, would largely offset the additional expense of operation at the rush hours. Thus, while providing far better service to the public, the Company's operations might be placed on a more provident basis and a considerable increase in gross earnings made possible.

Rush-Hour Service on Subway-Elevated Division.

With regard to the subway-elevated service, we also find, especially during winter operation, a condition of overcrowding. We would recommend that additional service be provided on the basis outlined for surface cars. To accommodate the traffic on October 5, 1910, in accordance with this standard, 120 cars would have been required. On this division, 10% of the cars in operation are needed as a "shop" reserve, or as of that date, 12 cars were required in addition to the 120 cars now owned.

Future Car Service.

The number of additional cars stated above to be required for both surface and subway-elevated operation should be considered as examples of the rules recommended, not as present requirements. They were the number necessary in October, 1910. The traffic is continually increasing and with the broader plans which have been proposed, the rate of increase should be more rapid in the future. The car equipment calculated to have been necessary for last October with the additional power equipment, would require probably a year to purchase and install, and by that time, still more cars and power will be needed. Consequently these standards of car loading and car service should be adopted in principle, and should be applied by a bureau or department to be established by the Company. Based on the periodical determinations of this department, the Company should estimate and provide for its car and power requirements from one to two years in advance.

CAR EQUIPMENT.

Present Type of Cars.

The other principal criticism to which we have referred, concerns the inferior character of the car equipment. Of the 3,292 cars owned by the Company, about two-thirds are of the small, single-truck type purchased at the time of original electrification, and of the large double-truck cars, 272 were reconstructed from the small cars by splicing in a short section without modernizing this equipment; consequently about 70% of the total cars are of a type generally unsuited to present conditions of congested traffic. Of the remaining 772 large double-truck cars, about 90% have been rebuilt and changed from cross-seat cars into the present longitudinal-seat Pay-Within type. This conversion, largely on account of the change to longitudinal seats of poor design, has rendered this car uncomfortable and unpopular, especially for summer operation.

Of the total surface car equipment in Philadelphia, 36% are large double-truck cars, in New York 75%, in Brooklyn 89% and in Chicago about 75%. While

the single-truck car has its use on lines of light regular traffic, it is generally unsuitable for operation during the rush hours in the congested delivery district of large cities, and on many lines it is uneconomical to operate. It is assumed that the Company will desire gradually to replace a considerable proportion of these single-truck cars by the purchase of large cars. We do not make any definite recommendations upon this point, as it concerns principally the operating economy.

Comparative Car Purchases.

Reasonable service during the rush hours, as stated above, would necessitate, as of last October, the addition of 489 large cars. With the purchase of these cars, the proportion of large double-truck cars owned to total closed and semi-convertible cars would be about 63% or more nearly the proportion in other cities.

In this connection it is of interest to note that during the past ten years the Philadelphia system purchased 655 large double-truck surface cars, while the two large surface systems of New York City purchased 1,472 cars, the Brooklyn systems 1,127 cars and the Chicago systems about 2,200 cars. These figures do not include the large amount of subway and elevated equipment purchased in the other cities, nor does the figure for the Philadelphia company include its 120 subway-elevated cars.

We have made a detailed examination of the principal types of the present Philadelphia cars, especially as to points affecting the public comfort and convenience. We have made similar examinations of the standard cars of the four other large cities, all of which are fully described in the detailed report.

The Philadelphia Pay-Within Car.

Regarding the principal points of design of the Philadelphia standard car our conclusions and recommendations are as follows:

The principal criticism of this car is the replacement of cross seats by longitudinal seats. This was occasioned by the retention of the small platforms, which with the adoption of the prepayment plan compelled the exit of passengers from the front platform only, requiring a wider aisle than was practicable with the double row of cross seats. The sliding platform doors necessitate door pockets which interfere materially with the comfort of passengers on the corner seats and narrow the car entrance. It is not believed, however, that this difficulty can be much improved without practically rebuilding the ends of the car and the platforms. Eight cross seats should be restored in this car, either half on each side or all on one side. The cars already altered by the Company, on the former plan, are understood to operate satisfactorily. With car loads limited as recommended the passageway is ample. The remaining longitudinal seats should be remodeled by using a more comfortable, higher back of spring rattan and by proper sloping of seats and backs.

The sliding platform doors operated by air should be provided with a simple positive mechanical release so that they can be opened by passengers in case of emergency. This device should be under the proper restriction of motorman or conductor.

These cars are also insufficiently provided with steadying devices, which causes an unusual number of accidents by passengers falling on cars. Suitable grab-handles on the backs of the proposed cross seats, and grab-handles, horizontal rails or stanchions on platforms should be provided, to reduce this risk.

The number and capacity of the electric heaters on this car should be doubled in order to secure the heating effect of the small single-truck Philadelphia car, and the usual heating effect of standard cars of other cities.

The present number of lights should be doubled in order to provide the amount of lighting usual in modern standard cars of this size.

Both the line and destination signs are of poor design and insufficiently illuminated. Transparent line signs should be used on the front, rear and sides of the monitor and illuminated from the car. A destination sign should be placed in the center of the front and rear vestibule directly under the hood, independently illuminated.

This car should be provided with the usual mechanical sander so that the motorman can drop sand on the track when necessary for an emergency stop.

The present projecting fenders should be used only on high speed lines in the suburban districts and when thus used should be properly maintained. Automatic wheel guards should be installed for city service in place of the projecting fender. These are placed under the car platform in front of the wheels and operate automatically when the trip strikes an obstruction. They have been found to be of value in the reduction of fatal accidents, where used in other cities. Persons struck constitute a large class of fatal accidents occurring in Philadelphia. With the use of these wheel guards it is advisable to change the design of draw-head so that it will not project beyond the bumper.

Other Surface Cars.

As a large proportion of the other types of surface cars will, it is assumed, be discarded within a few years, it is believed not to be desirable to reconstruct them except for the requirements of safety. We would recommend that all surface cars be equipped with mechanical sanders, automatic wheel guards and non-projecting draw-heads, and that projecting fenders be used only on high-speed lines in the suburbs.

All cars not painted within the past year should be put through the paint shop, and thereafter painted and varnished on a definite schedule.

We recommend that the system and nomenclature of line and destination signs be entirely rearranged and standardized.

Subway-Elevated Cars.

The present subway-elevated cars are of good design and no changes are recommended.

New Standard Surface Cars.

It is assumed that the new standard car for Philadelphia will be a two-motor, prepayment car with windows capable of large opening, which would make it suitable for both summer and winter operation. If the body is 28 feet long with platforms 5′ 6″ long (inside), mounted on reversed, center-bearing, maximum-traction trucks, the overhang of car without projecting fender when operated on the standard track curve at 50-foot street intersections would be approximately the same as the bumper on the present Pay-Within car, and about 18 inches less than the overhang of the fender on the present car. Consequently the length of body might be 30 feet if found desirable, or even longer if operated on same lines. For the purpose of this report we have assumed the use of a 28-foot cross-seat car as generally practicable, with seating and standing capacity of 76 passengers on the basis recommended.

This, with a car 8′ 4″ wide with skeleton sides and 34-inch seats, would permit of an aisle 28 inches wide. With exits from both rear and front platforms, and with the recommended limit of car load, this width of aisle should be found practicable from an operating standpoint.

Our recommendations upon the points of design especially affecting the traveling public, are as follows:

The illuminated line and destination signs should be of the same type as recommended for the Pay-Within car.

The height of the step should be from 14 to 15 inches and the width of step at least 11 inches. The step should be folding or protected and should have safety tread.

The folding platform doors should be mechanically operated by motorman or conductor and should be kept closed while the car is in motion. The bulkheads should be open and all passageways should be at least 23 inches in the clear. The conductor should be located on the rear platform behind a suitable rail or steadying device.

The seats and backs should be of spring rattan, of comfortable height and properly sloped.

The vestibule windows should be given full opening. Monitors should be fixed shut and there should be provided sufficient roof or monitor automatic ventilators.

There should be installed 16 electric heaters of a total rated capacity of 12 amperes.

Twenty 16 candle power incandescent lamps should be used; 15 inside the car arranged in single sockets on the ceiling and lower decks, 1 on each platform, 2 for destination signs and 1 for headlight.

There should be a passengers' push-button signal on each side post of car with electric bell or buzzer on platforms.

Mechanical sanders and automatic wheel guards should be installed. Drawheads should not project beyond bumpers.

Estimated Cost of Additional Equipment.

The addition of 489 cars, if all motor cars of the above standard, would involve an expenditure of car equipment and equivalent additional capacity of power house and feeder system, car houses and shops, which we estimate at approximately $7,126,000. The recommended changes in present Pay-Within and other surface car equipment are estimated to cost not more than $500,000. Twelve additional cars for the subway-elevated line would cost about $144,000. These recommendations, therefore, involve a total expenditure to secure the recommended car capacity needed in October, 1910, of approximately $7,770,000, and are exclusive of betterments and extensions of track and line. With a normal rate of growth we estimate that at least 100 additional cars per year, with power and storage capacity, will be needed to provide for additional traffic.

REROUTING PLAN.

We find that the present routing of cars in Philadelphia is poorly arranged both from standpoints of public convenience and economical operation. The delivery district trackage is not accessible to lines from all sections of the city. Lines

through the residence districts are not spaced uniformly, and many lines were located originally under competitive conditions on narrow streets, with numerous curves and frequently crossing each other. We submit in the detailed report, a statement of the general principles involved, and have therein developed a tentative plan of rerouting covering the entire city, based on these principles and upon the information derived from observations and passenger counts. This plan is suggested as an approach to the subject, and is presented for discussion and study. A final plan of rerouting should be adopted by agreement of all parties interested and should be put into effect as soon as practicable.

We would refer you to the detailed report for information regarding physical property, car maintenance, accidents, regularity of schedules and comparisons with street railway systems of other large cities.

FORD, BACON & DAVIS.

APPENDIX "I."

Act of May 31, 1907, Creating the Pennsylanvia State Railroad Commission.

LAW CREATING THE PENNSYLVANIA STATE RAILROAD COMMISSION, APPROVED MAY 31, 1907.

No. 250.

AN ACT

To provide for the appointment of a Railroad Commission; prescribing the membership of said Commission, the manner and term of the appointment of its members; defining their powers and duties with reference to common carriers, and in relation to making recommendations to the Attorney General and Secretary of Internal Affairs concerning the regulation, control, and management of common carriers within the Commonwealth; defining what the term "common carrier" shall include; providing for the appointment of subordinate officers and the employment of expert and clerical employes by said Commission; fixing the salaries of the members of said Commission and its subordinate officers; providing for the compensation of its employes; limiting the annual expense of said Commission; and making an appropriation for the payment thereof.

Pennsylvania State Railroad Commission.

Section 1. Be it enacted, &c., That a Commission is hereby created, to be known as the Pennsylvania State Railroad Commission, which shall be composed of three competent persons, appointed by the Governor, by and with the advice and consent of the Senate, at least one of whom shall be learned in the law. The Commissioners first appointed under this act shall continue in office for the term of three, four, and five years, respectively,

Term of members.

as designated by the Governor in making said appointments, from the first Monday of January, Anno Domini one thousand nine hundred and eight, and until their respective successors shall have been appointed and shall have qualified; but their successors shall be appointed for the term of five years; and when a vacancy shall occur in the office of any Commissioner, a Com-

Vacancies.

missioner shall, in like manner, be appointed for the residue of the term. If the Senate shall not be in session when this act is approved or a vacancy occurs, the Governor shall appoint the original Commission, or, in case of a vacancy, appoint a Commissioner to fill such vacancy subject to the approval of the Senate when convened. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the rights of the Commission. The Governor shall designate one of the members of said Commission as chairman thereof, who, when

Chairman.

present, shall preside at all meetings, and in his absence the member whose term will first expire shall preside.

Secretary, attorney and marshal. Duties of secretary.

Section 2. The Commission shall have a secretary, an attorney, and a marshal, who shall be appointed by it, subject to the approval of the Governor, and serve during its pleasure. The secretary shall keep a full and faithful record of the proceedings of the Commission, and be the custodian of its records, and file and preserve at its general office all books, maps, documents,

and papers entrusted to its care, and be responsible to the Commission for the same. Under the direction of the Commission, he shall be its chief executive officer; shall have general charge of its general office, superintend its clerical business, conduct its correspondence, be the medium of its decisions, recommedations, and requests, prepare for service such papers and notices as may be required of him by the Commission, and perform such other duties as the Commission may prescribe; and he shall have power to administer oaths in all cases pertaining to the duties of his office. He shall have the power to designate, from time to time, one of the clerks appointed by the Commission, to act as assistant secretary during his absence from the county of Dauphin, and the clerk so appointed, for the time designated, shall, within the county of Dauphin only, possess the powers conferred by this section upon the secretary of the Commission.

Duties of attorney.

The attorney shall attend the hearings of the Commission, conduct the examination of witnesses when requested to do so by the Commission, assist the Attorney General in all actions brought by him incidental to the recommendations and rulings of the Commission and perform such other duties as may be required of him by the Commission.

Duties of marshal.

The marshall shall attend the hearings of the Commission, serve such papers as the Commission may direct, and perform such other duties as may be required by the Commission.

Section 3. The Commission may also, as occasion may require, appoint, to serve during its pleasure, the following officers, or any of them: An accountant, who shall be thoroughly skilled in railroad accounting, and who shall, under the direction of the Commission, make examinations of the books and accounts of common carriers, supervise the quarterly and annual reports made by them to the Commission, and perform such other duties as the Commission may prescribe; an inspector, who shall be a civil engineer, skilled in railroad affairs; also an inspector, who shall be an expert in electrical affairs; each of whom shall make such inspection of railroadsand other matters relating thereto as directed by the Commission, and report to it. The Commission may also employ such additional clerical force as may be necessary for the tranaction of the business, and such engineers, accountants and other experts, whose service they deem to be of temporary importance in conducting any investigation authorized by law, as said Commission may deem necessary.

Accountant.

Inspector.

Clerks, etc.

Section 4. Each Commissioner and every person appointed to office by the Commission shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. No person shall be appointed a member of the Commission, or hold any office, place or position under it, who occupies any official relation to any common carrier, doing business in the State of Pennsplvania or elsewhere, or owns stock or bonds therein, or who is an any manner pecuniarily interested therein, directly or indirectly; nor shall any member, officer, or employ of the Commision, either personally or through a partner or agent, render any professional services for or against any common carier subject to the provissions of this act, except as herein provided.

Oath of office.

Eligibility.

Principal office.

Section 5. The principal office of the Commission shall be in the city of Harrisburg, in rooms designated by the Board of Public Grounds and Buildings; and the Commission, or a quorum thereof, shall meet in Harrisburg as often as shall be requisite for the performance of its duties.

Meetings.

Seal.

The Commission shall have an official seal, to be prepared by the Secretary of the Commonwealth; and its offices, upon the requisition of the secretary of the said commission, shall be supplied with the necessary stationery, office-furniture, and supplies by the Board of Public Grounds and Buildings; and provisions for the necessary funds for the same shall be made as an item in the Board of Bublic Grounds and Buildings fund in the general appropriation bill; and said Commission shall have prepared for it, by the Superintendent of Public Printing and Binding, the necessary books, maps, printing, and stationery for the discharge of its duties, which shall be furnished upon the requisition of its secretary.

Stationery.

Supplies.

Quorum.

The Commision may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the Commission shall constitute a quorum for the transaction of business; but no Commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said Commission may, from time to time, make or amend such general rules or orders as it may determine for the orderly regulation of proceedings before it, including forms of notices and the service thereof. Any party may appear before said Commission, and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. All examinations or investigations made by the Commission may be held and taken by and before any of the Commissioners, by order of the Commission, and the proceedings, recommendations, and decisions of such single Commissioner shall be deemed to be the proceedings, recommendations, and decisions of the Commission when approved and confirmed by it.

General rules, etc.

Record.

Examinations and investigations.

"Common carrier" defined.

Section 6. The term "common carrier," as used in this act, shall apply to all corporations, or any person or persons, within the State, engaged in the transportation of freight or passengers by means of railroads or by water, or partly by railroad and partly by water, including electric railway companies, street railway companies, elevated railway companies, underground, elevated, or subway passenger railway companies, bridges and ferries, when used in connection with the transportation of freight or passengers upon any such railroad or railway; pipe-line companies engaged in the transportation of oil, either by means of pipe-lines, or by water, or partly by means of pipe-lines and partly by means of railroads or railways, or partly by means of pipe-lines and partly by means of water; sleeping- and drawing-room car companies engaged in transporting passengers upon any such railroad; express companies engaged in transporting property upon any such railroad, electric railway, street railway, or by water; and telegraph or telephone companies.

Power and authority of the Commission.

Section 7. The Commission shall have power to administer oaths in all matters in relation to its duties, so far as necessary to enable it discharge such duties. It shall have full power and authority to inquire into the management of the business of all common carriers, including freight and passenger rates and tariffs, the equitable distribution of cars, the granting of sidings and regulation of crossings, the location of freight- and passenger-stations, the adequacy of facilities for the carriage and transportation of freight and passengers, the use and compensation for cars owned or controlled by persons other than the carrier, and, generally, all matters incident to the performance of their public duties, and their compliance with the provisions of their charters and the laws of the land.

Complaints.

Petition.

Reparation.

Investigation.

Inquiry.

Duty of Commission.

Section 8. Any person, firm, corporation, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization, complaining of any thing done or omitted to be done by any common carrier subject to the provisions of this act, in violation of law or of any decision, regulation, or recommendation of the Commission, may apply to the Commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same, in reasonable time, to be specified by the Commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant, only for the specific violation of law complained of. If such common carrier shall not satisfy the complaint, within the time specified, and there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of, in such manner and by such means as it shall deem proper. Said Commission may institute any inquiry of its own motion, in the same manner and to the same effect as though complaint had been made. No complaint shall, at any time, be dismissed because of the absence of direct damage to the complainant. The Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint as aforesaid, it shall be of the opinion that any of the rates or charges whatsoever, demanded, charged or collected by any common carrier or carriers subject to the provisions of this act are unjust or unreasonable, or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any provision of law, or that any regulation or practice in respect to transportation is unjust, unfair, or unreasonable, and in violation of law, to decide and recommend what will be the just and reasonable rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged, and what regulation or practice in respect to transportation is just, fair, and reasonable, to be thereafter followed.

Decision and recommendation.

Participation of owner.

Section 9. If the owner of property transported by common carriers subject to the provisions of this act, directly or indirectly renders any service connected with such transportation, or

furnishes any instrumentality used therein, the charge and allowance therefor shall not be more than is just and reasonable, and the Commission may, after hearing on a complaint, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the service so rendered or for the instrumentality so furnished.

Reasonable charge.

Section 10. The Commissioners, or any of them, in the performance of their official duties, or any person in the office of said Commission and specially delegated by the Commission for that purpose, may enter, and remain during business hours in, the cars, offices, and depots, and upon the railroads, of any common carrier, within the State or doing business therein, and may examine the books and affairs of any such common carrier; and in all proceedings before the Commission, under a complaint duly filed, the Commission shall have power to require, by subpoena, the attendance and testimony of the witnesses, and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter embraced within said complaint.

Right of entry.

Examination.

Subpoena.

Disobedience of subpoena.

And in case of disobedience to a subpoena, the Commission, or any party to a proceeding before the Commission, may invoke the aid of a court of common pleas, within whose jurisdiction the complaint is carried on, in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents, under the provisions of this section.

Any of the common pleas courts of this State, within whose jurisdiction such hearing or complaint is being carried on, may, in case of contumacy or refusal to obey a subpoena, issue to any common carrier subject to the provisions of this act, or other persons an order requiring such common carrier or other person to appear before said Commission,—and produce books and papers, if so ordered,—and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as contempt thereof.

Order of court.

Claim of tendency to incriminate.

The claim that any such testimony or evidence, documentary or otherwise, may tend to criminate the witness giving such evidence, or subject him to a penalty of forfeiture, shall not excuse such witness from testifying; but no person shall be prosecuted, or subjected to any penalty or forfeiture, for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said commission, or in obedience to its subpoena or the subpoena of the said court: Provided, That no person testifying shall be exempt from prosecution and punishment for perjury in so testifying. If such person be an officer or director of a common carrier subject to the provisions of this act, being a party to the proceedings before the Commission, or if any person, being an officer or director of such common carrier, shall absent himself from the jurisdiction of the State, or conceal himself, for the purpose of avoiding service of such subpoena, he shall be adjudged guilty of contempt; and the said court of common pleas may impose a fine, not less than one hundred dollars for each day during the continuance of such refusal or neglect; and if the said court shall find that the neglect or refusal of such witness is occasioned by

Proviso.

Perjury.

Absentee.

Contempt.

Fine.

the advice or consent of such common carrier, in default of payment of said fine the same shall be collected from said common carrier, by an action in the said court of common pleas in any county in the State, as other like fines and penalties are now recovered by law. Imprisonment for contempt shall be by commitment to the county jail of the county in which such hearing is held.

Penalty.

Section 11. The Commission may also take testimony upon, and have a hearing for and against, any proposed change of law relating to common carriers, or of the general railroad law, if requested to do so by the Secretary of Internal Affairs, the Legislature, or by the Committee on Railroads of the Senate or House of Representatives, or by the Governor; and may take such testimony, and have such a hearing, when requested by any of said common carriers, corporation, or person interested; and shall recommend and draft such bills as will, in its judgment, protect the interests of the public in connection with common carriers.

Hearing as to prosed change of laws.

Drafting of bills.

Section 12. The Commission may require every common carrier, subject to its jurisdiction, to file with it a copy of its annual report, as filed with the Inter-state Commerce Commission of the United States; and as to all common carriers subject to this act, and not subject to the Interstate Commerce Commission, may require that such common carriers file annual reports in the form prescribed by the Commission.

Filing of annual reports of common carriers.

Section 13. The Commission shall investigate the cause of any accident on the lines or property of any common carrier, resulting in loss of life or injury to persons, within thirty days of the happening of said accident, when, in their judgment, said accident shall require investigation; and shall advise said common carrier of the result of said investigation, within sixty days from the happening of said accident, and shall include the result of said investigation in their reports. Before making any such examination or investigation, under this section, reasonable notice shall be given to the corporation, person, or persons, conducting and managing such common carrier, of the time and place of commencing the same. The general superintendent or manager of every common carrier shall inform the Commission of any such accident immediately after its occurrence.

Investigation of causes of accidents.

Notice to corporation.

If the examination of the books and affairs of a common carrier, or of witnesses in its employ, shall be necessary in the course of any hearing on complaint, as hereinbefore provided, or examination or investigation into its affairs, the Commission, or a member thereof designated by it shall sit for such purpose, in the city or town of this State where the principal business office of such common carrier is situated, if requested so to do by the common carrier; but the Commission may require copies of books and papers, or abstracts thereof, to be sent to it to any part of the State. The Commission may issue commissions to take the testimony of absent, infirm, or waygoing witnesses, according to the rules of the courts of equity.

Examination of books, etc.

Commissions.

Section 14. The Commission shall have power to recommend the manner, under existing laws, in which one railroad, street

Recommendations at to crossings.

railway, electric railway, or other common carrier, may cross another railroad, street railway, or electric railway, at grade, or above or below grade, and what safety appliances and regulations should be adopted at such crossings, or at existing grade-crossings of railroads, street railways, electric railways, or other common carriers, with other railroads, street railways, and electric railways, for the protection of the public and the prevention of accidents.

Recommendation as to schedules or tariffs.

The Commission shall also have power to recommend the form in which schedules or tariffs of rates, fares, charges, and distribution of cars shall be posted and published, and make such change or changes therein, from time to time, as shall be found expedient.

Violations of laws.

Section 15. If it shall appear to the Commission that any common carrier, subject to the provisions of this act, has violated any provision of law, or neglected in any respect to comply with the terms of its charter, or unjustly discriminates in its charges for services, or usurps any authority not granted by law, it shall give notice, in writing, thereof to the said common carrier; and, if the violation, neglect, or refusal is continued after such notice, the Commission shall forthwith certify the matter to the Attorney General of the Commonwealth, for such action according to law as the public interests may require.

Certificate to Attorney General.

Decision, rulings, etc., to be forwarded to common carriers.

Section 16. Every recommendation, decision, or ruling of the Commission shall be forthwith forwarded, by mail, to the president, secretary, or other chief officer, of the common carrier affected thereby, at his usual place of business, and a copy thereof and the registered mail-receipt shall be prima facie evidence of the receipt of said recommendation, decision, or ruling by the person to whom addressed, in due course of mail.

Modifications of decisions and rulings.

The Commission is authorized to modify its recommendations, decisions, or rulings, upon such notice and in such manner as it shall deem proper. It shall be the duty of said common carrier, within thirty days from the receipt of notice of the making of any recommendation, decision, or ruling, to notify the Commission of its intention to comply or to refuse to comply therewith.

Excessive rates or charges.

Repairs, additions, etc.

Additional stations.

Train-service, etc.

Terminal facilities.

Section 17. If, after an examination of the same, it shall appear to the Commission that any of the rates or charges established or demanded by any common carrier are excessive and unreasonable; or that repairs, additions, alterations, or changes in or upon any property of a common carier, subject to the provisions of this act, and used by it as such, are necessary; or that any additional stations are necessary; or additional train-service to any station, or that any addition to the rolling-stock, or any addition to or change of a station or station-houses, are necessary; or that additional terminal facilities should be afforded; or that any change of the rates of fare for transporting freight or passengers, or in the mode of operating the road, or conducting its business, are reasonable and expedient, in order to promote the security, convenience, and accommodation of the public,—

Notice.

the Commission shall give notice thereof, and information in writing, to the common carrier, of the improvement and changes which said Commission deem proper, and shall give such common carrier an opportunity for a full hearing in relation thereto;

and if the common carrier refuses or neglects to make such repairs, improvements, or changes within a reasonable time after such information and hearing, or fails to satisfy the Commission that no action is required to be taken by it, the Commission shall certify to the Secretary of Internal Affairs and the Attorney General of the Commonwealth the facts relating thereto, for their action according to law, as the public interests may require, and report the same in detail in its next succeeding report to the Governor.

Refusal or neglect.

Certificate to Secretary of Internal Affairs and Attorney General.

The Commission may, whenever in its opinion the public interests require, in connection with any proposed increase in the capital stock, bonds, or other fixed indebtedness of any common carrier subject to the provisions of this act, employ competent experts to investigate the character, cost, and valuation of the property of such common carrier, and the necessity for the proposed increase of capital or indebtedness, and shall report to the Secretary of Internal Affairs of the Commonwealth the result of such investigation, for his consideration and action.

Increase of capital stock, bonds, etc.

Investigation.

Report.

Section 18. No examination, request, or advice of the Commission, nor any investigation or report made by it, shall impair in any manner or degree the legal rights, duties, or obligations of any common carier, or its legal liabilities for the consequences of its act, or of the neglect or mismanagement of any of its agents or employes.

Legal rights and liabilities of common carrier.

Section 19. Every common carrier subject to the provisions of this act shall, on request, furnish the Commission any necessary information required by said Commission concerning the rates of freight, for transporting freight and passengers upon its road and other roads with which its business is connected, and the condition, management, and operation of its road, and shall, on request, furnish to the Commission copies of all contracts and agreements, leases, or other engagements entered into by it with any person or corporation. The Commissioners shall not give publicity to such information, contracts, agreements, leases, or other engagements, if, in their judgment, the public interest do not require it, or the welfare and prosperity of the common carriers of the State might be thereby affected. The enumeration of powers, as herein set forth, shall not exclude any power which the Commission would otherwise have under the provisions of this act.

Information shall be supplied by common-carriers.

Copies of contracts, leases, etc.

Enumeration of powers.

Section 20. All subpoenas shall be issued by the secretary, when directed by the Commission or by any two members thereof, and may be served by any person, of full age, authorized by the Commission to serve the same. The fees of witnesses before the Commission shall be two dollars for each day's attendance, and five cents for every mile of travel, by the nearest generally-traveled route, in going to and returning from the place where the attendance of the witness is required. The fees for service of subpoenas shall be the same as those allowed sheriffs for similar services, and such fees, and the fees and mileage of witnesses, shall be audited by the Auditor General, and paid by the State Treasurer on a certificate of the secretary of the Commission, out of moneys appropriated for such purposes.

Issuing of subpoenas.

Fees of witnesses.

Mileage.

Fees for transcript, etc.

The Commission shall charge and collect the following fees: For copies of papers and records, not required to be certified or otherwise authenticated by the Commission, ten cents for each folio of one hundred words; for certified copies of official documents filed in its office, fifteen cents for each folio, and one dollar for every certificate, under seal, affixed thereto; for each certified copy of the quarterly report made by a railroad corporation to the Commission, fifty cents; for each certified copy of evidence and for proceedings before the Board, fifteen cents for each folio. No fees shall be charged or collected for copies of papers, records or official documents furnished to public officers for use in their official capacity, or for the annual reports of the Commission in the ordinary course of distribution. All fees charged and collected by the Commission shall be paid, as received, to the State Treasurer, for the use of the Commonwealth, accompanied by a detailed statement thereof, a copy of which shall be filed with the Auditor General.

Disposition of fees.

Annual report of Commission.

Section 21. The Commission shall make an Annual Report, on or before the second Monday of January in each year, to the Governor, and a duplicate thereof shall be filed with the Secretary of Internal Affairs, which shall contain:—

Contents.

First.—A record of their meetings, and an abstract of their proceedings during the preceding year.

Second.—The result of any examination or investigation made by them.

Third.—Such statements, facts, and explanations as will disclose the actual workings and operations of common carriers in their relations to the business and prosperity of the State; and such suggestions as to the general policy of the State, or the amendment of its laws, or the condition, affairs, or conduct of any common carrier, as may seem to them appropriate.

Fourth.—Drafts of all bills suggested or recommended by them, and the reasons therefor.

Fifth.—Such tables and abstracts of all the reports of all the common carriers as they may deem expedient.

Sixth.—A statement in detail of the traveling expenses and disbursements of the Commissioners, their clerks, marshal, and experts.

Publication of report.

Two thousand five hundred copies of the Report, with the reports of the common carriers of the State, shall be printed as a public document of the State, bound in cloth, for the use of the Commissioners, and to be distributed by them, in their discretion, to the officers of the common carriers and other persons interested therein.

Copies of documents as evidence.

Copies of all official documents, filed or deposited according to law in the office of the Commission, shall be evidence in like manner as the original.

Certifying of decisions, rulings, etc.

Section 22. The Commission shall certify each of its decisions, rulings, and recommendations to the Secretary of Internal Affairs of the Commonwealth and the Attorney General, for their consideration and action according to law, as the public interests may require. Copies of said decisions, rulings, and recommendations shall be furnished to the complainant and the common carrier or carriers affected thereby.

Copies shall be supplied complainant and common carrier.

Nothing in the act shall be construed to impair the power and authority of the Secretary of Internal Affairs, in the exercise of the general supervision over railroads, canals, and other transportation companies, vested in him by the Constitution and laws of this Commonwealth.

Power and authority of Secretary of Internal Affairs.

Section 23. The annual salary of each Commissioner shall be eight thousand dollars; of the secretary, four thousand dollars; of the attorney, four thousand dollars; of the marshal, twenty-five hundred dollars; and the compensation of the accountant and of the inspector, and of such other employes as the Commission may from time to time employ, shall be such sums as the Commission may fix. In the discharge of their official duties, the Commissioners shall have reimbursed to them the necessary and actual traveling expenses and disbursements of themselves, their officers, clerks, and experts. All salaries and disbursements, when properly certified by the secretary of the Commission, shall be audited and allowed by the Auditor General, who shall draw his warrant therefor upon the State Treasurer, to be paid out of moneys appropriated for such purposes.

Salaries.

Section 24. The total annual expenses of the Commission in carrying into effect the provisions of this act shall not exceed one hundred thousand dollars; and the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated for the payment of said expenses for the fiscal years ending May thirty-first, Anno Domini one thousand nine hundred and nine.

Total annual expense.

Appropriation.

Section 25. This act shall go into effect on the first Monday of January, Anno Domini one thousand nine hundred and eight; and all laws or parts of laws inconsistent herewith are hereby repealed.

Act to go into effect.

APPENDIX "J."

Rules of Practice Before the Pennsylvania State Railroad Commission.

RULES OF PRACTICE
BEFORE THE
PENNSYLVANIA STATE RAILROAD COMMISSION.
ADOPTED AND PRESCRIBED BY THE COMMISSION
REVISED MARCH 1, 1910

Rule 1.

GENERAL SESSIONS: The office of the Commission in the Capitol Building in the City of Harrisburg, shall always be open during business hours, legal holidays and Sundays excepted.

The regular sessions of the Commission shall be held at its office in the Capitol Building at Harrisburg on the first Tuesday of each month, except the months of August and September, and except when such meeting days fall on a legal holiday, when it shall be held on the next day thereafter.

Rule 2.

COMPLAINTS: No particular form of complaint is required. The name of the corporation complained against must be stated in full and the full name and post office address of the complainant, with the full name and address of his attorney or counsel, if any, must be given. The act or omission complained of, together with the facts and conditions generally relating thereto must be stated with precision, and if such act or ommission is claimed to be a violation of any statute, attention should be called to the section of the statute relied upon. Complaints need not be sworn to. Three copies for each party to the record of every formal pleading shall be filed with the original for the use of the Commission and the adverse party if desired. All papers filed shall be written on one side of the sheet only.

Rule 3.

SATISFACTION OF COMPLAINT AND ANSWER, UNDER SECTION 8 OF THE RAILROAD COMMISSION LAW: The person or corporation complained against shall satisfy the complaint or make answer thereto within fifteen days. If the complaint is satisfied, both the complainant and respondent must notify the Commission thereof promptly and give the terms of the settlement.

Rule 4.

HEARINGS UPON ANSWER TO COMPLAINTS UNDER SECTION 8 OF THE RAILROAD COMMISSION LAW: After the filing of an answer to the complaint as provided in Rule 3, a time and place for hearing upon the issue may be appointed, notice of which will be served upon all parties and the proceedings thereafter will be as the Commission shall from time to time direct.

Rule 5.

OTHER COMPLAINTS: Complaints which in the opinion of the Commission are not of such nature as to permit of their satisfaction under the provisions of Section 8 of the Railroad Commission Law may be investigated by it in such manner

as it deems proper without notice to the person or corporation complained against. A copy of the Complaint and of the report, if any, upon the ex parte investigation may be served by mail upon the party or corporation complained against, who shall be requested to make answer to the same within fifteen (15) days.

Upon receipt of such answer a time and place may be appointed for a hearing upon the complaint and answer, notice of which will be served by mail on all parties and the proceedings thereafter will be as the Commission shall from time to time direct.

Rule 6.

ANSWERS: The answer must specifically admit or deny the material allegations of the complaint. If any or all of the allegations of the complaint are denied, the answer must set forth the facts as claimed to be by the party answering.

Rule 7.

NOTICE IN NATURE OF DEMURRER: A person or corporation complained against, who deems the complaint insufficient to show a breech of legal duty, may, instead of answering or formally demurring, serve on the complainant and the Commission notice of its claim of such insufficiency, and in such case the facts stated in the complaint will be deemed admitted. Upon receiving such notice the complainant shall make such reply thereto as he may desire, and serve copy thereof on the respondent and file a copy with the Commission, and thereupon the Commission will determine the legality of the complaint and notify the parties of such decision and whether any other action is deemed proper or necessary.

Rule 8.

AMENDMENTS: Amendments to any complaint, petition, answer, or other paper filed in any proceeding or investigation, may be allowed by the Commission in its discretion.

Rule 9.

ADJOURNMENTS AND EXTENSIONS OF TIME: Adjournments and extensions of time may be granted upon the application of any party in the discretion of the Commission. Applications for extension of time of hearings shall be accompanied by an affidavit showing a necessity therefor.

Rule 10.

STIPULATIONS: The parties to any proceeding or investigation before the Commission, may, by stipulation in writing filed with the Secretary, agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. It is desirable that the facts be thus agreed upon wherever practicable.

Rule 11.

DISMISSAL AND FAILURE TO PROSECUTE COMPLAINT: Whenever the complainant in any case refuses or neglects to furnish the Commission with additional information or to perform any act, regarded by the Commission as necessary or desirable for the proper and further elucidation, investigation or prosecution

of the case, for a period of fifteen (15) days after requested so to do, the Commission may forthwith dismiss the case, unless, in its opinion, it is of sufficient public interest and concern to demand its further prosecution and determination, in which event subsequent proceedings may be conducted as if the case had been instituted by the Commission.

Rule 12.

PRACTICE ON HEARINGS: The complainant must in all cases establish the facts alleged to constitute a violation of the law, unless the defendant admits the same or fails to answer the Complaint. The defendant must also give evidence of the facts alleged in the answer, unless admitted by the complainant, and must fully disclose its defense at the hearing. Witnesses may be examined orally before the Commission unless the facts be stipulated. In case of failure to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable and make such order thereon as the circumstances of the case appear to require.

Rule 13.

DOCUMENTARY EVIDENCE: Where relevant and material matter offered in evidence is embraced in a written or printed statement, book or document of any kind containing other matter not material or relevent and not intended to put in evidence, such statement, book or document in whole shall not be received or allowed to be filed, but counsel or other party offering the same shall present in convenient and proper form for filing, a copy of such material and relevant matter, and that only shall be received and allowed to be filed as evidence and made a part of the record; provided, however, if practicable, such matter may be read and taken down by the stenographer as part of the record. If the correctness of such copy is questioned the same shall be verified by an examination of the original in such a manner as the Commission may direct.

Rule 14.

COMMISSIONS TO TAKE TESTIMONY: The testimony of any witness may be taken by deposition at the instance of a party, in any proceedings or investigation before the Commission, and at any time after the same is at issue. The Commission may order testimony to be taken by deposition, in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such deposition may be taken before any judge of any court of the United States, or any commissioner of a circuit, or any clerk of a district or circuit court, or any justice or judge of a supreme or superior court, judge of a court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, or otherwise interested in the proceeding or investigation. The same notice of taking deposition that is required by the Pennsylvania Equity rules in taking deposition in civil cases must be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition, and like notice shall be given the Secretary.

Every person whose deposition is taken shall be sworn (or may affirm) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing, which may be typewriting, by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the witness.

Rule 15.

BRIEFS: Upon all contested hearings, unless otherwise specially ordered, printed briefs containing legal arguments and citations of cases relied upon shall be filed on behalf of the parties. They shall contain an abstract of the evidence relied upon by the party filing the same, and in such abstract reference shall be made to the pages of the minutes where the evidence appears. The abstract of the evidence shall follow the statement of the case and precede the argument. Briefs shall be filed with the Commission and served upon the adverse party or parties by the complainant within fifteen days after the receipt of copy of the testimony where the same is ordered otherwise after the same has been concluded, and by the other party or parties within ten days after receipt of complainant's brief, and the complainant shall have five days additional time for reply. Different times may be specially ordered in any case. Ten copies of each brief shall be filed for the use of the Commission, with the Secretary, and shall be accompanied by an affidavit showing service upon the adverse party. Three copies shall, in each case, be served upon the adverse party. Briefs and other papers shall be printed and shall be ten inches long and seven inches wide, with the printed page seven inches long and three and one-half inches wide, except in special cases; when, in the opinion of the Commission printing is impracticable, upon special order they may be typewritten.

Rule 16.

FINANCIAL CONDITION, TERM AS USED IN THESE RULES DEFINED: Whenever a party is required to set forth or disclose its financial condition, such financial condition shall be given, so far as practicable, in appropriate schedules annexed to and referred to and properly designated in the petition. Such schedules shall show the following: (1) Amount and kinds of stock authorized; (2) amount and kinds of stock issued; (3) terms of preference of all preferred stock; (4) brief description of each mortgage upon property of the party, giving date of execution, name of trustee, amount of indebtedness authorized to be secured thereby and amount of indebtedness actually secured; (5) number and amount of bonds authorized and issued, describing each class separately, giving date of issue, par value, rate of interest, date of maturity and how secured; (6) other indebtedness, giving same by classes and describing security, if any; (7) amount of interest paid during previous fiscal year and rate thereof, if different rates were paid amount paid at each rate; (8) amount of dividends paid during previous fiscal year and rate thereof; (9) detailed statement of earnings and expenditures for, and balance sheet showing condition at close of, last fiscal year.

INDEX.